

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

MARK VEASEY, JANE	)	CIVIL ACTION
HAMILTON, SERGIO DELEON,	)	
FLOYD J. CARRIER, ANNA	)	NO. 2:13-CV-193 (NGR)
BURNS, MICHAEL MONTEZ,	)	[Lead case]
PENNY POPE, OSCAR ORTIZ, KOBY	)	
OZIAS, JOHN MELLOR-CRUMLEY,	)	
PEGGY HERMAN, EVELYN	)	
BRICKNER, GORDON BENJAMIN,	)	
KEN GANDY, LEAGUE OF UNITED	)	
LATIN AMERICAN CITIZENS	)	
(LULAC), AND DALLAS COUNTY,	)	
TEXAS,	)	
	)	
Plaintiffs,	)	
	)	
V.	)	
	)	
RICK PERRY, GOVERNOR OF TEXAS	)	
AND JOHN STEEN, TEXAS	)	
SECRETARY OF STATE,	)	
	)	
Defendants.	)	

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<p style="text-align: right;">6</p> <p>1 INDEX</p> <p>2 PAGE</p> <p>3 Appearances..... 5</p> <p>4</p> <p>5 YANNIS BANKS</p> <p>6 Examination by Mr. Klein..... 9</p> <p>7 Examination by Ms. Rudd..... 183</p> <p>8 Reporter's Certificate..... 187</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">8</p> <p>1 MR. TATUM: Good morning. My name is</p> <p>2 Stephen Tatum. I'm an Assistant Attorney General of the</p> <p>3 State of Texas representing the defendants in this case.</p> <p>4 The lead case is styled No. 2:13-CV-193, lead case</p> <p>5 titled Veasey v. Perry in the Southern District of</p> <p>6 Texas, Federal Court.</p> <p>7 This is the deposition of Yannis Banks.</p> <p>8 Did I pronounce that right?</p> <p>9 THE WITNESS: Yes, sir.</p> <p>10 MR. TATUM: All right. It is about 9:35.</p> <p>11 Today is Wednesday, June 4th, and we are here in Austin,</p> <p>12 Texas at the Offices of the Attorney General, first</p> <p>13 floor -- ground floor conference room. At this point,</p> <p>14 I've introduced myself. I figure we can go around the</p> <p>15 room -- this very large room with not very many people</p> <p>16 in it -- and make introductions starting with Mr. Banks</p> <p>17 here. And we'll go down, and then we'll get the person</p> <p>18 on the phone.</p> <p>19 THE WITNESS: Sure. Yannis Banks, Texas</p> <p>20 NAACP.</p> <p>21 MS. RUDD: Amy Rudd for the Texas NAACP.</p> <p>22 MS. COHAN: Lindsey Cohan for the Texas</p> <p>23 NAACP.</p> <p>24 MR. TATUM: And joining us on the phone?</p> <p>25 MS. MILLER: I'm Angela Miller for the</p>
<p style="text-align: right;">7</p> <p>1 EXHIBIT INDEX</p> <p>2 PAGE</p> <p>3 Exhibit No. 1..... 15</p> <p>4 Notice of Deposition</p> <p>5 Exhibit No. 2..... 19</p> <p>6 National NAACP Mission Statement</p> <p>7 Exhibit No. 3..... 81</p> <p>8 Complaint for Declaratory and Injunctive</p> <p>9 Relief Filed by the Texas State Conference</p> <p>10 of NAACP Branches</p> <p>11 Exhibit No. 4..... 136</p> <p>12 Senate Bill 14</p> <p>13 Exhibit No. 5..... 142</p> <p>14 Response of Plaintiffs Texas State</p> <p>15 Conference of NAACP Branches and the</p> <p>16 Mexican American Legislative Caucus to</p> <p>17 Defendants' Motion to Dismiss</p> <p>18 Exhibit No. 6..... 175</p> <p>19 5/25/12 Deposition of Yannis Banks</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">9</p> <p>1 U.S. Department of Justice.</p> <p>2 MR. TATUM: Okay. Thank you.</p> <p>3 YANNIS BANKS,</p> <p>4 having been first duly sworn, testified as follows:</p> <p>5 EXAMINATION</p> <p>6 BY MR. TATUM:</p> <p>7 Q. All right. Mr. Banks, would you please state</p> <p>8 your full name for the record, please?</p> <p>9 A. Sure. Yannis Kereldanladee Banks.</p> <p>10 THE WITNESS: And I can spell that if you</p> <p>11 need me to.</p> <p>12 THE REPORTER: Please.</p> <p>13 A. Kereldanladee is K-E-R-E-L-D-A-N-L-A-D-E-E.</p> <p>14 Q. (By Mr. Tatum) Thank you. And, Mr. Banks,</p> <p>15 where do you reside?</p> <p>16 A. Austin, Texas.</p> <p>17 Q. All right. And, Mr. Banks, are you currently</p> <p>18 employed?</p> <p>19 A. I am.</p> <p>20 Q. And where are you employed?</p> <p>21 A. Technically I'm self-employed, but I work for</p> <p>22 the Texas NAACP.</p> <p>23 Q. Okay. And the Texas NAACP -- I'm just going</p> <p>24 to get this out of the way -- that is an affiliate of</p> <p>25 the National NAACP. Is that correct?</p>

<p style="text-align: right;">10</p> <p>1 A. Correct.</p> <p>2 Q. Okay. For purposes of this deposition, I'm</p> <p>3 going to be mostly referring to the Texas NAACP. There</p> <p>4 may be times when I just say NAACP, and when I say that,</p> <p>5 I mean the Texas NAACP. If I intend to refer to the</p> <p>6 National NAACP, I will make that clear.</p> <p>7 A. Okay.</p> <p>8 Q. If at any time it's not clear, just let me</p> <p>9 know.</p> <p>10 Mr. Banks, have you ever been deposed</p> <p>11 before?</p> <p>12 A. I have.</p> <p>13 Q. And how many times have you been deposed?</p> <p>14 A. Once.</p> <p>15 Q. Once. And what was that case about?</p> <p>16 A. Voter ID about two years ago.</p> <p>17 Q. Was that the preclearance voter ID case?</p> <p>18 A. Yes. The one in 2012, 2011, yes.</p> <p>19 Q. Okay. So you've probably heard this spiel I'm</p> <p>20 about to go through before, but I'm going to go ahead</p> <p>21 and ask you a few preliminary questions and then go over</p> <p>22 some ground rules that will control this deposition.</p> <p>23 A. Okay.</p> <p>24 Q. Is that okay?</p> <p>25 A. That's fine.</p>	<p style="text-align: right;">12</p> <p>1 The idea is we don't want to talk over each other. We</p> <p>2 want the court reporter to be able to take an accurate</p> <p>3 record, so please let me finish my question before</p> <p>4 answering, and I will do -- or try to do the same for</p> <p>5 you. I realize this is a lot easier said than done.</p> <p>6 There will probably be instances where we talk over each</p> <p>7 other, in which case we'll just try to stop and speak</p> <p>8 clearly and make sure everything is on the record.</p> <p>9 I'm going to try and talk slowly. There</p> <p>10 may be times when I start talking fast. If at any time</p> <p>11 you need me to slow down, just say so. If there's a</p> <p>12 question that you didn't understand or any</p> <p>13 clarification, say so, and I'll gladly rephrase.</p> <p>14 There may be instances when your</p> <p>15 attorneys object to a question I ask. That's fine. I</p> <p>16 still need you to answer the question unless your</p> <p>17 attorneys specifically instruct you not to answer. Do</p> <p>18 you understand?</p> <p>19 A. I do.</p> <p>20 Q. Okay. And I didn't go over this beforehand,</p> <p>21 but I imagine we'll take a break somewhere around 10:30</p> <p>22 or so, depending on where we are, how we're doing. If</p> <p>23 at any time other than that you need to take a break,</p> <p>24 just let me know, and we'll go off the record and take a</p> <p>25 break. Do you understand?</p>
<p style="text-align: right;">11</p> <p>1 Q. All right. Mr. Banks, how are you feeling</p> <p>2 today?</p> <p>3 A. I'm feeling pretty good.</p> <p>4 Q. All right. Are you suffering from any illness</p> <p>5 that would you affect your ability to provide accurate</p> <p>6 and truthful answers to my questions?</p> <p>7 A. No.</p> <p>8 Q. Are you taking any medications that would</p> <p>9 affect your ability to provide accurate and truthful</p> <p>10 answers to my questions?</p> <p>11 A. No.</p> <p>12 Q. Is there anything else this morning that might</p> <p>13 prevent you from accurately and truthfully answering my</p> <p>14 questions?</p> <p>15 A. No.</p> <p>16 Q. Okay. Those are the preliminary questions. A</p> <p>17 few ground rules. As you remember from your past</p> <p>18 experience, this is a deposition. I'm going to be</p> <p>19 asking you various questions, and I need you to provide</p> <p>20 audible answers, both for all of us, those joining us on</p> <p>21 the phone, as well as for the court reporter. So if</p> <p>22 it's a yes or no answer, don't nod your head or shake</p> <p>23 your head. Please say "yes" or "no."</p> <p>24 On that note, please wait until I've</p> <p>25 finished asking my question before you give your answer.</p>	<p style="text-align: right;">13</p> <p>1 A. I do.</p> <p>2 Q. Okay. All right, Mr. Banks. Are you</p> <p>3 represented by counsel today?</p> <p>4 A. I am.</p> <p>5 Q. Okay. Are they these two people sitting next</p> <p>6 to you?</p> <p>7 A. They are.</p> <p>8 Q. Okay. They made their introductions. It's on</p> <p>9 the record. We know who they are.</p> <p>10 What did you do to get ready for this</p> <p>11 deposition today?</p> <p>12 A. I met with my attorneys, and we looked over</p> <p>13 documents that we have submitted and have used, and I</p> <p>14 have read over my old deposition and over some</p> <p>15 information we turned over to y'all already.</p> <p>16 Q. In this case?</p> <p>17 A. In this case, yes.</p> <p>18 Q. Okay. And when were those prep meetings held?</p> <p>19 When was that?</p> <p>20 A. Monday.</p> <p>21 Q. Monday. And about how long was that meeting?</p> <p>22 A. Oh, I think about two hours.</p> <p>23 Q. Was -- sorry.</p> <p>24 A. No, you're good. Give or take two hours.</p> <p>25 Q. Give or take two hours. Was anyone there</p>

<p style="text-align: right;">14</p> <p>1 besides your attorneys?</p> <p>2 A. My other attorney, Gary Bledsoe, was there as</p> <p>3 well.</p> <p>4 Q. He was there in person?</p> <p>5 A. He was there in person.</p> <p>6 Q. Okay. And Gary Bledsoe, who is he?</p> <p>7 A. He is one of the attorneys in the case, as</p> <p>8 well as the state president for the NAACP.</p> <p>9 Q. He's the state president for the NAACP?</p> <p>10 A. Yes, the Texas NAACP.</p> <p>11 Q. And he's an attorney as well?</p> <p>12 A. He is.</p> <p>13 Q. Does he represent the Texas NAACP in any other</p> <p>14 matters?</p> <p>15 A. He has, yes.</p> <p>16 Q. Is he representing the Texas NAACP in this</p> <p>17 case?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Did anyone else join in in that prep</p> <p>20 meeting by phone?</p> <p>21 A. Another lady was there as well -- I'm sorry --</p> <p>22 who I think is being deposed also.</p> <p>23 Q. Did she join by phone?</p> <p>24 A. She did.</p> <p>25 Q. Was there anyone else that you spoke to or met</p>	<p style="text-align: right;">16</p> <p>1 Q. There you go. Mr. Banks, do you recognize</p> <p>2 this document?</p> <p>3 A. Let me look at it.</p> <p>4 MR. TATUM: And before I go further,</p> <p>5 Angela, can you hear us okay over the speaker?</p> <p>6 MS. MILLER: Yes, I can hear you fine.</p> <p>7 Thanks.</p> <p>8 MR. TATUM: Okay. I forgot to check</p> <p>9 that. Thank you.</p> <p>10 A. Yes, I do.</p> <p>11 Q. (By Mr. Tatum) You do recognize this</p> <p>12 document?</p> <p>13 A. Yes.</p> <p>14 Q. And what is this document?</p> <p>15 A. I believe it's what y'all call a 30(b)(6)</p> <p>16 or -- yeah, or at least the questions you wanted to ask</p> <p>17 or something to that effect or --</p> <p>18 Q. Okay. I'll represent to you this is the</p> <p>19 30(b)(6) notice of this deposition --</p> <p>20 A. Okay.</p> <p>21 Q. -- for which we're here today. And you have</p> <p>22 seen this document before. Correct?</p> <p>23 A. I have.</p> <p>24 Q. Okay. If you would, please, turn to Page 5.</p> <p>25 A. Okay.</p>
<p style="text-align: right;">15</p> <p>1 with in preparation for this deposition?</p> <p>2 A. No.</p> <p>3 Q. Okay. You mentioned that you reviewed the</p> <p>4 documents that have been submitted or produced to the</p> <p>5 defendants in this case in preparation for this</p> <p>6 deposition. Correct?</p> <p>7 A. Right.</p> <p>8 Q. Were there any other documents that you</p> <p>9 reviewed that were not -- or that have not been produced</p> <p>10 to the State in this case?</p> <p>11 A. Not that I'm aware of, no.</p> <p>12 Q. Okay. Did you bring any documents with you</p> <p>13 today?</p> <p>14 A. No.</p> <p>15 Q. Okay. Is there anything else you did to</p> <p>16 prepare for this deposition that you did not already</p> <p>17 mention?</p> <p>18 A. No.</p> <p>19 Q. Okay.</p> <p>20 MR. TATUM: I'd like to give you a</p> <p>21 document and mark it as Exhibit 1.</p> <p>22 (Exhibit No. 1 marked)</p> <p>23 Q. (By Mr. Tatum) I'm giving the same copy of</p> <p>24 this document to your attorneys.</p> <p>25 A. Okay.</p>	<p style="text-align: right;">17</p> <p>1 Q. Under the heading titled "Matters"?</p> <p>2 A. Uh-huh.</p> <p>3 Q. Are you there?</p> <p>4 A. I am there.</p> <p>5 Q. Okay. Now, this title "Matters" is followed</p> <p>6 by a series of numbered paragraphs from 1 to 24. If you</p> <p>7 would, please, just take a quick minute to review those.</p> <p>8 You don't have to read every single one. Just kind of</p> <p>9 read over them and make sure that these are the same</p> <p>10 ones you saw before.</p> <p>11 A. Looks about right.</p> <p>12 Q. Okay. Mr. Banks, now that you've had a chance</p> <p>13 to review these, are you aware that you've been</p> <p>14 designated by the Texas NAACP to testify on its behalf</p> <p>15 regarding the topics covered in these numbered</p> <p>16 paragraphs?</p> <p>17 MS. RUDD: And I just want to interpose</p> <p>18 an objection and just state for the record we submitted</p> <p>19 some objections -- after talking to Mr. Banks, we became</p> <p>20 aware that there are certain topics that we just do not</p> <p>21 have a witness to testify about.</p> <p>22 MR. TATUM: Okay.</p> <p>23 MS. RUDD: Those topics are Topics 3, 4,</p> <p>24 and 18, but Mr. Banks is prepared to testify about the</p> <p>25 remaining topics.</p>

18

1 MR. TATUM: Okay. Thank you for bringing  
2 that up. I wasn't sure how I was going to segue into  
3 that. And on the topic of the objections, I just want  
4 to clarify real quick, under objection to Matter 4, the  
5 last sentence of that -- and this is for your  
6 attorneys -- it says, "Texas NAACP states that it does  
7 not create or maintain state-based membership lists and  
8 cannot produce a witness to testify to Topic 3."  
9 That is meant to say Topic 4. Correct?  
10 MS. RUDD: Correct.  
11 MR. TATUM: Okay. Just wanted to clarify  
12 that. I'm sure it's a small typo. Just wanted to  
13 clarify.  
14 MS. RUDD: It happens in discovery, as  
15 you know.  
16 MR. TATUM: Yes. Okay. So Topics 3, 4,  
17 and 18?  
18 MS. RUDD: Correct.  
19 MR. TATUM: Okay.  
20 Q. (By Mr. Tatum) Mr. Banks, other than  
21 Topics 3, 4, and 18, are you aware that you've been  
22 designated by the Texas NAACP to testify on its behalf  
23 regarding every matter other than those three?  
24 A. Yes.  
25 Q. Okay. And do you feel you are adequately

20

1 Q. Okay. Was this document produced to the  
2 defendants in this matter?  
3 A. I believe so.  
4 Q. Okay. What is this document?  
5 A. It's the mission and the vision statement of  
6 the NAACP.  
7 Q. And is that the mission and vision statement  
8 for the National NAACP?  
9 A. It's from the national website, yes, but it  
10 applies to NAACP.  
11 Q. Okay. So the mission statements and vision  
12 statements expressed in this document are shared by the  
13 Texas NAACP?  
14 A. Yes.  
15 Q. Okay. And when I say "the Texas NAACP," I  
16 mean the Texas Conference of NAACP branches.  
17 MS. RUDD: That's what we all mean, too.  
18 MR. TATUM: Okay. Good.  
19 Q. (By Mr. Tatum) All right. I mentioned the  
20 conference of Texas NAACP branches.  
21 A. Uh-huh.  
22 Q. How many branches in the state of Texas are  
23 there, to the best of your knowledge?  
24 A. Oh.  
25 Q. And if you don't know the exact number, you

19

1 prepared to testify to those matters?  
2 A. Yes.  
3 Q. Okay. Other than what you already told me  
4 about your preparation for this deposition, is there  
5 anything else you did to prepare specifically for your  
6 testimony regarding these matters?  
7 A. No.  
8 Q. Okay. Mr. Banks, are you familiar with the  
9 complaint filed by the Texas NAACP in this lawsuit?  
10 A. I am.  
11 Q. Okay. Do you feel like you are prepared to  
12 testify about the factual bases of the Texas NAACP's  
13 claims represented in that complaint?  
14 A. I do.  
15 Q. Okay. Okay, Mr. Banks. I'd like to take a  
16 step back for a second and just talk about the Texas  
17 NAACP generally.  
18 A. Sure.  
19 Q. On that note, I have another exhibit.  
20 MR. TATUM: I'd like to mark this as  
21 Exhibit 2.  
22 (Exhibit No. 2 marked)  
23 Q. (By Mr. Tatum) Mr. Banks, do you recognize  
24 this document?  
25 A. I do.

21

1 can give me a general estimate.  
2 A. A good estimate -- I would guess 80. Might be  
3 more.  
4 Q. Somewhere in the ballpark of 80 branches  
5 within the state of Texas?  
6 A. Correct.  
7 Q. Okay. And how are those individual branches  
8 organized?  
9 A. Could you clarify --  
10 Q. Sure.  
11 A. -- I guess, what you mean?  
12 Q. Sure. So take one of the more or less 80  
13 branches. What does one of those branches look like?  
14 How is it organized? What is its leadership structure?  
15 A. Okay. So the branches, you will have your --  
16 they have their individual local president who will be  
17 the president over that branch. We have the executive  
18 committee, which is your secretary, treasurer, vice  
19 president. And depending on the branch size, they may  
20 or may not have an assistant treasurer, assistant  
21 secretary. And they will have their executive  
22 committee, which is made up of standing committees that  
23 the different branches will have, which could be finance  
24 and political action and education, et cetera.  
25 And then you have your overall membership

22

1 of the branch as well.

2 Q. Okay. So within each branch, there is an  
3 executive committee, secretary, et cetera. Is that --

4 A. Correct.

5 Q. I understood you correctly? Okay. And are  
6 these branches -- are they based centrally around cities  
7 and towns, or are they by county or --

8 A. Both.

9 Q. Okay.

10 A. Or I should say all of that.

11 Q. Okay.

12 A. I'm sorry. It could be city. It could be a  
13 county branch.

14 Q. Are there any cities in Texas, the large ones,  
15 say Houston, San Antonio, DFW area that contain multiple  
16 branches?

17 A. Yes.

18 Q. Okay.

19 A. Yeah.

20 Q. Okay.

21 A. Well, say the question again. I want to make  
22 sure I answer that correctly. I'm sorry.

23 Q. Sure. So within -- you know, I'm kind of  
24 envisioning, you know, out in West Texas there are a lot  
25 less people concentrated in West Texas than there are,

24

1 Q. Sure. Okay. And so does -- are there  
2 meetings between the leaders of the various branches?

3 A. What do you mean when you say, I guess,  
4 "meetings."

5 Q. I guess I'm just trying to get a sense of the  
6 organization of the Texas NAACP. We have the various  
7 branches --

8 A. Sure.

9 Q. -- scattered amongst the state.

10 A. Uh-huh.

11 Q. And what I'm trying to figure out is if  
12 there's kind of a central office that kind of governs  
13 all those various branches. In other words, do all  
14 those various branches report to one place?

15 A. They do. Okay. They do. Which would be the  
16 State Conference.

17 Q. The State Conference?

18 A. Right.

19 Q. Okay. And the State Conference is not its own  
20 entity? It's comprised of the various branches?

21 A. The various branches and the state elected  
22 officials, which -- and -- the Executive Committee of  
23 the State Conference.

24 Q. Okay. And are you on that Executive Committee  
25 of the State Conference?

23

1 say, in central Houston. I'm just wondering, you know,  
2 if within the city limits of Houston, there is more than  
3 one branch of the Texas NAACP, whereas in West Texas is  
4 there one branch that covers that entire area.

5 A. Okay. No. I'm sorry. No.

6 Q. Okay. So there would be one branch that  
7 covers Houston, one branch that covers Waco, one branch  
8 that covers maybe multiple cities in West Texas that are  
9 very small?

10 A. Correct.

11 Q. Okay. And what is the relationship between an  
12 individual branch -- let me back up.

13 Is there -- within the Texas NAACP, is  
14 there kind of a central governing body over all the  
15 various branches of the Texas NAACP?

16 A. I don't know if you'd call it central  
17 governing body. We have the state conference, which is  
18 what we are.

19 Q. Okay.

20 A. And state conference is -- it's comprised of  
21 those individual branches.

22 Q. Okay.

23 A. So you have your makeup of the state  
24 conference of the individual branches, but the branches  
25 are able to do what they need to do for that local area.

25

1 A. I am not.

2 Q. You're not? Okay. About how many people are  
3 on the Executive Committee of the State Conference?

4 A. Rough estimate, probably maybe 15 on the  
5 Executive Committee.

6 Q. 15 people on the Executive Committee?

7 A. A rough estimate.

8 Q. Okay.

9 A. Just going through the top of my head, I would  
10 say roughly about -- the Executive Committee is made up  
11 of about 15. Actually, no, it's probably going to be  
12 more than that. Let me take that back.

13 Because the Executive Committee would be  
14 made up of -- so you have your elected officers, and  
15 then you have your appointed committee chairs, and then  
16 also the presidents from the local branches would be  
17 part of the State Conference and the Executive  
18 Committee, if I remember correctly -- and I may have to  
19 verify that, but if I remember correctly, that's the  
20 makeup. So it would be a lot more than 15.

21 Q. Okay. So there are -- within the Executive  
22 Committee of the State Conference there are elected  
23 officers and elected chairs of the various committees  
24 within the State Conference. Is that correct?

25 A. Appointed chairs.



26

1 Q. Appointed chairs?  
 2 A. Right. There's elected officers and then just  
 3 appointed chairs.  
 4 Q. And who appoints those chairs?  
 5 A. The state president appoints the chairs.  
 6 Q. Mr. Bledsoe?  
 7 A. Mr. Bledsoe, yes.  
 8 Q. Okay. And who elects the officers?  
 9 A. The officers are elected by the branches. The  
 10 individual branches elect the officers.  
 11 Q. Okay. So let me just sum this up one more  
 12 time, and we can move on.  
 13 A. Sure.  
 14 Q. So the Executive Committee of the State  
 15 Conference is comprised of the president, Mr. Bledsoe --  
 16 A. Uh-huh.  
 17 Q. -- officers that are elected by the local  
 18 branches. Is that correct?  
 19 A. Well, Mr. Bledsoe would be one of the  
 20 officers.  
 21 Q. Sure.  
 22 A. So, yes, you have the officers that are  
 23 elected by the local branches.  
 24 Q. And those officers serve on the State  
 25 Conference, and then when they're not doing that, they

28

1 Q. Okay. I want to talk a little bit about the  
 2 membership of the Texas NAACP.  
 3 A. Okay.  
 4 MR. TATUM: And I'll be asking my  
 5 questions with full reference to the agreement that's  
 6 been reached between Mr. Rosenberg and Ms. Wolf, I  
 7 believe.  
 8 MS. RUDD: Perfect.  
 9 MR. TATUM: So if I run afoul of that  
 10 agreement, please let me know.  
 11 Q. (By Mr. Tatum) I'd first like to ask: How  
 12 does the Texas NAACP attract or recruit new members?  
 13 A. Well, through the local branches is where the  
 14 membership things come from. We may have information up  
 15 on our website that talks about different work that  
 16 we've done and why we do what we do, and our local  
 17 branches will get out and they'll do membership drives  
 18 in their local communities and recruit members to be a  
 19 part. Or they may see -- somebody may know the work I  
 20 do and may see me and want to join and ask how to join.  
 21 Whenever they do any activities out in  
 22 the community, we've encouraged them to always encourage  
 23 or ask folks if they want to become members as well,  
 24 so -- and I think when they do just different events,  
 25 they go out and recruit.

27

1 go back to the local branches and assume their roles  
 2 there. Is that correct?  
 3 A. Yeah. They're -- they are always, I guess, in  
 4 the capacity of -- they're the State Conference  
 5 whatever.  
 6 Q. Sure.  
 7 A. No matter whether in a meeting or not. So  
 8 whether we're in a meeting or not, Gary is always the  
 9 state president.  
 10 Q. Sure.  
 11 A. So there's not really a go back and just be a  
 12 part of what's -- where you are. You're going to be  
 13 representing -- you're with the State Conference no  
 14 matter where you are.  
 15 Q. Okay. I think I understand. And then there's  
 16 the officers and committee chairs that are appointed?  
 17 A. Correct.  
 18 Q. And then the presidents of all the local  
 19 branches?  
 20 A. Correct, make up the State Conference.  
 21 Q. And is there a central office for the State  
 22 Conference?  
 23 A. Yes.  
 24 Q. And where is that?  
 25 A. That's here in Austin, Texas.

29

1 Q. Do they send -- as part of this outreach to  
 2 potential new members, do they send mass mailings or  
 3 any -- mass emails or any other kind of mass  
 4 communication?  
 5 A. Not that I'm aware of. They may, but it's  
 6 nothing that I am particularly aware of.  
 7 Q. On a local level, do they visit college  
 8 campuses?  
 9 A. Some of them do, yes.  
 10 Q. If there is one in the area?  
 11 A. Right. Correct.  
 12 Q. Do they visit high schools?  
 13 A. Some of them will have high schools that they  
 14 work with and youth as well, yes.  
 15 Q. Okay. So if someone wants to become a member  
 16 of the Texas NAACP, what do they need to do to become  
 17 one?  
 18 A. Fill out an application and pay the membership  
 19 fee, depending on age. It ranges. And then on the type  
 20 of membership they want as well, the price could range.  
 21 But that's about it.  
 22 Q. So there are different levels of membership?  
 23 A. There is.  
 24 Q. Okay. Can you just briefly describe the  
 25 difference between the different levels of membership?



30

1 A. Sure. So you have the youth membership, which  
 2 is from, you know, infant to I think 25, I believe,  
 3 which is, like, \$15. You have your adult membership,  
 4 which I think is 30. And then you have your lifetime  
 5 memberships, and you have different levels of lifetime  
 6 memberships which have their different prices.  
 7 Q. So there's no age limitation for becoming a  
 8 member? You can become a member the day you're born?  
 9 A. Yes.  
 10 Q. Okay. Do you have to be a U.S. citizen to be  
 11 a member of the Texas NAACP?  
 12 A. No.  
 13 Q. Do you have to be a Texas resident?  
 14 A. I believe -- for the Texas NAACP?  
 15 Q. Yes.  
 16 A. I would say yes.  
 17 Q. You mentioned that you do not have to be a  
 18 U.S. citizen. Do you have to have a green card to be a  
 19 member of the Texas NAACP?  
 20 A. We don't ask. We don't check.  
 21 Q. And you mentioned an application fee. Are  
 22 there any kind of annual dues that are required?  
 23 A. Well, when I said the fee, yeah, that's the  
 24 annual dues, a fee that you pay.  
 25 Q. Okay.

31

1 A. Unless it's lifetime, then it's -- once you're  
 2 lifetime, your membership is paid up.  
 3 Q. Right. But if you're not on the lifetime  
 4 plan, you'll have annual dues?  
 5 A. You have annual dues, yes.  
 6 Q. Okay. Are members issued any kind of  
 7 membership card?  
 8 A. They are.  
 9 Q. Does that card have a photograph of the member  
 10 on it?  
 11 A. No.  
 12 Q. Does the Texas NAACP hold events or activities  
 13 that are for members only?  
 14 A. I think most events are open to the public. I  
 15 think that when you do the Executive Committee meeting  
 16 they can have an executive session when it's just for  
 17 Executive Committee.  
 18 Q. Sure.  
 19 A. But I -- nothing I'm recalling has just been a  
 20 members only event.  
 21 Q. Okay. Does the Texas NAACP offer, as part of  
 22 its membership, any kind of benefit or service that are  
 23 available only for members?  
 24 A. Yes.  
 25 Q. And what are those kinds of services or

32

1 benefits?  
 2 A. If I remember the program right, I think we  
 3 had actually partnered with the State, and there's a  
 4 prescription card that members can get to get a discount  
 5 on prescriptions from your local pharmacy. My brain  
 6 shut down. Yeah, from your local pharmacy, so --  
 7 Q. And for a service or benefit like that that's  
 8 offered only to a member, if a member wants to avail  
 9 themselves of such a benefit or service, how do they  
 10 prove that they are a member of the Texas NAACP?  
 11 A. Their membership card.  
 12 Q. They just show their membership card?  
 13 A. Yeah.  
 14 Q. And that's it?  
 15 A. That's all they need. And I think they  
 16 have -- and they will get the discount prescription card  
 17 that they have, but --  
 18 Q. And to get a membership and the accompanying  
 19 membership card, what kind of information does the  
 20 applicant need to fill out on the application?  
 21 A. It was up on our website, and I haven't looked  
 22 at that in a while.  
 23 Q. Okay. To the best of your knowledge, do you  
 24 have to enter in an address?  
 25 A. I really can't remember, because we have folks

33

1 who will handle that form. We have the different agents  
 2 and people that they can talk to, so I don't have to  
 3 deal with it --  
 4 Q. You've never seen the application form?  
 5 A. If I've seen it, it's been years. The program  
 6 was started maybe in 2011, maybe in 2010-ish area. So I  
 7 haven't -- if I've seen it, it's been a while, and I  
 8 haven't paid it much thought and looked at it much.  
 9 Q. Okay. So you aren't entirely familiar with  
 10 what kind of information goes on an application to  
 11 become a member of the Texas NAACP?  
 12 A. No, not the Texas -- for that program. I'm  
 13 sorry. Were you talking about something --  
 14 Q. Yes. Let me back up. I'm referring to the  
 15 application if one wants to become a member of the Texas  
 16 NAACP.  
 17 A. Okay.  
 18 Q. A card carrying member of the Texas NAACP --  
 19 A. Got you.  
 20 Q. -- they must fill out an application and pay  
 21 an application fee that you mentioned?  
 22 A. Correct.  
 23 Q. What I'm asking is what kind of information is  
 24 required on that application?  
 25 A. Oh, okay.

34

1 Q. Sorry if I didn't make that clear.  
 2 A. Not a problem. Their name, address, date of  
 3 birth, and that's all I remember.  
 4 Q. Are they required to enter a Social Security  
 5 number?  
 6 A. No, not that I recall.  
 7 Q. Is there any other information on there that's  
 8 required to -- anything else you can think of?  
 9 A. How you're paying, I guess.  
 10 Q. Method of payment?  
 11 A. Method of payment, yeah.  
 12 Q. Does the Texas NAACP serve only members?  
 13 A. What do you mean when you say "serve"?  
 14 Q. Are there people that receive the benefit of  
 15 the Texas NAACP services and activities who are not  
 16 card-carrying members of the Texas NAACP?  
 17 A. Yes.  
 18 Q. Would you call those people constituents?  
 19 A. Yes, I would.  
 20 Q. Okay. Generally describe the difference  
 21 between a constituent and a member.  
 22 A. A member has paid the dues, fees, to become a  
 23 part of the organization. Constituents are those who we  
 24 serve, whether they're a member or not. You don't have  
 25 to be a member to get our services or our help. If you

36

1 service that they get from us without saying, "Well,  
 2 don't worry about that population." So we want to cover  
 3 all of them.  
 4 There has been instances here in Austin  
 5 where you've had police shootings of citizens, and the  
 6 local president here doesn't go check with the family  
 7 and see are you a member before he says, "This is  
 8 wrong," or what have you. If it's wrong, it's wrong.  
 9 There's no checking or do a background check before you  
 10 see are you a member, put up a membership list --  
 11 anything. You go forward. You act.  
 12 We did a finance seminar maybe a couple  
 13 months ago, and it was to the public. Anybody who wants  
 14 to come, we'll talk about how -- to get -- help with you  
 15 getting your credit right or this, that, or the other.  
 16 There is not screening to see if you're a member on  
 17 that. We just do it.  
 18 Q. And you advertise events like that on your  
 19 website and --  
 20 A. On the website, Facebook -- or I should say  
 21 social media.  
 22 Q. Sure.  
 23 A. Word of mouth.  
 24 Q. And by social media, you mean Twitter?  
 25 A. Twitter, Facebook --

35

1 need help with something, it's not something we hold you  
 2 -- we don't say, "Are you a member?"  
 3 "No."  
 4 "Can't help you."  
 5 It doesn't matter. If you need our  
 6 assistance, we assist.  
 7 Q. So for one of these people who is not a member  
 8 who you would call a constituent, if they need your  
 9 assistance or help, there are ways they can come to you  
 10 or to their local branch --  
 11 A. Correct.  
 12 Q. -- whatever, for assistance with whatever  
 13 they're dealing with?  
 14 A. Correct.  
 15 Q. Okay. Can you recall any specific type of  
 16 services that have been provided to nonmembers by the  
 17 Texas NAACP?  
 18 A. Well, yeah.  
 19 Q. Can you give me an example?  
 20 A. Sure. It's not a problem. Part of doing  
 21 legislative session, when we're advocating for issues  
 22 that are important to the African-American community.  
 23 It's not just for these are the issues that are  
 24 important to the NAACP membership. It's saying this is  
 25 what the concern is of that community. And that's a

37

1 Q. Instagram?  
 2 A. All that good stuff. I don't know too  
 3 much about -- well, maybe not Instagram, but --  
 4 Q. Various kinds of social media?  
 5 A. Correct.  
 6 Q. Okay. Does the Texas NAACP hold regular  
 7 meetings?  
 8 A. We do.  
 9 Q. And how often are those meetings held?  
 10 A. Quarterly.  
 11 Q. Quarterly. And where are they held?  
 12 A. Various locations around the state. It's  
 13 never one specific all the time.  
 14 Q. So they can be held at the central offices of  
 15 various branches?  
 16 A. Right. Any city or county that has an active  
 17 branch, we can go there for our quarterly meeting.  
 18 Q. And that quarterly meeting covers business  
 19 relating to the entire State Conference?  
 20 A. Yes.  
 21 Q. Okay. Where was the last one held, if you  
 22 recall?  
 23 A. Where was it? It was -- it was in East Texas,  
 24 but I can't remember the exact city.  
 25 Q. And who attends those meetings, generally?

<p style="text-align: right;">38</p> <p>1 A. Generally it's the elected officers, the 2 Executive Committee chairs, and the branch presidents 3 attend those meetings, generally, and then members of 4 the local committee, local chapters that may be 5 interested in what's happening are welcome to attend as 6 well. 7 Q. Are there guest speakers or politicians that 8 attend those meetings? 9 A. At the discretion of I guess the president or 10 the local chapter, there can be, depending on if there 11 is I guess information that needs to be given out. Of 12 course, sometimes you have mayors or officials who want 13 to come and say welcome to wherever we are. In that 14 aspect, they'll say -- they'll come out and say, 15 "Welcome. Glad to have you. Enjoy the city for the 16 short time that y'all are going to be here, or those 17 that are spending the night," you know, but -- 18 Q. Do Texas legislators ever attend those 19 meetings? 20 A. Not generally, no. 21 Q. Not generally, but they have? 22 A. Not that I recall. 23 Q. I guess I'll ask, then: How long have you 24 been involved with the Texas NAACP? 25 A. Define involvement, I guess. As --</p>	<p style="text-align: right;">40</p> <p>1 attorneys about litigation. But you can answer 2 generally whether discussions like that took place. 3 THE WITNESS: Sure. 4 A. Say the question again, just so I can make 5 sure I -- 6 Q. (By Mr. Tatum) Sure. At these quarterly 7 meetings, is the topic of litigation that the Texas 8 NAACP may be involved in at the time ever discussed 9 openly? 10 A. It is discussed, yes. 11 Q. Okay. And are lawyers present during those 12 discussions? 13 A. Yes. 14 Q. And is legal advice given during those 15 discussions? 16 A. Define legal advice, I guess. 17 Q. That's a great question. There are varying 18 degrees of legal advice. 19 Is there ever any information given to 20 you by lawyers regarding such litigation topics 21 discussed at these quarterly meetings? 22 And let me -- before you answer that, let 23 me go ahead and narrow it down further. 24 A. Sure. 25 Q. I'm being vague. Take, for instance, this</p>
<p style="text-align: right;">39</p> <p>1 Q. Well, I'll get to that. 2 A. Okay. 3 Q. We'll come to that. I have some other 4 questions first. 5 A. Not a problem. 6 Q. At these quarterly meetings, generally what 7 kind of topics are discussed? 8 A. There could be so many topics. We will go 9 over of course business of the organization. We will 10 talk about -- we've talked about redistricting, voter 11 ID, police misconduct. Since we have the different 12 committee chairs, we've covered health care issues and 13 health issues, economic development in cities, and that 14 can go from having -- having banks in your city or 15 payday lending concerns, issues. We can talk about the 16 legislative session and what's upcoming. Just off the 17 top of my head, those are what I remember. There could 18 be much more. National convention, state convention, 19 just the business of the organization. 20 Q. Would any kind of -- let me back up. At these 21 quarterly meetings, is there ever any discussion of 22 litigation in which the Texas NAACP is involved? 23 MS. RUDD: And I just want to caution 24 you, Yannis, not to reveal any communications that the 25 Texas NAACP may have had with Mr. Bledsoe or any of the</p>	<p style="text-align: right;">41</p> <p>1 case. 2 A. Uh-huh. 3 Q. Am I correct in summarizing your testimony 4 that at these quarterly meetings, y'all might discuss 5 this case or this case may have been discussed? 6 A. I would say that at quarterly meetings we've 7 talked about different cases. And I've missed, like, 8 the last quarterly meeting, so it's possible, but I 9 wasn't able to attend to hear what was said about this 10 case. 11 Q. Okay. And you stated earlier that lawyers do 12 attend these meetings and they are present during the 13 discussions of cases such as this? 14 A. Correct. 15 Q. And they may offer their general opinions 16 about such cases. Is that correct? 17 A. The lawyers who have been there would give 18 information -- 19 MS. RUDD: Whoa. 20 THE WITNESS: Oh, sorry. 21 MS. RUDD: Okay. Yannis, you can answer 22 as to whether lawyers have been present. You can answer 23 as to whether lawyers have given legal advice or 24 opinions, but I don't want you to reveal the substance 25 in terms of what they said about legal advice or</p>

42

1 opinions. Okay?

2 THE WITNESS: Right. Right.

3 A. Yes, I would say the lawyers would more than

4 likely be giving legal advice.

5 Q. (By Mr. Tatum) Okay. Now, are there minutes

6 of these meetings kept?

7 A. There are.

8 Q. And are those minutes available to the public?

9 A. I don't know. I'm not sure. I don't --

10 Q. Are any portions of these meetings broadcast

11 online or on TV?

12 A. No.

13 Q. Are these meetings open to the public?

14 A. Yes.

15 Q. Are there any portions of the meetings that

16 are not open to the public?

17 A. I think it's capable of happening, but for the

18 most part, it's been open.

19 Q. If the Executive Committee wanted to, they

20 could limit a portion of those meetings to only members?

21 A. Correct.

22 Q. Okay. Or only to the Executive Committee

23 itself?

24 A. Right. Correct.

25 Q. Okay. Now, you touched on this earlier,

44

1 A. Correct. We don't get involved in -- when you

2 say "local," you mean local branches. Right?

3 Q. No. I mean like local elections like the

4 District Attorney, county judge --

5 A. We don't get involved in any of the local

6 elections.

7 Q. Okay. Is that a stated policy of the Texas

8 NAACP, to the best of your knowledge?

9 A. Yeah.

10 Q. Is that shared by the National NAACP?

11 A. It's jurisdiction wide, so I would say yeah.

12 Q. Okay. So the National NAACP does not

13 encourage its various state conferences to engage in any

14 kind of political support for individual candidates?

15 MS. RUDD: Objection; calls for

16 speculation.

17 Q. (By Mr. Tatum) You can answer.

18 A. Yeah, it's a national standing that we do not

19 endorse any kind of political candidates.

20 Q. Okay. Does the Texas NAACP regularly engage

21 in phone bank drives in order to get messages out to its

22 membership, its constituent base, any kind of organized

23 phone bank drive where there's a list of phone numbers

24 that people need to call to send messages out or get

25 information out?

43

1 talking about the various activities that local branches

2 of the Texas NAACP engage in in order to fulfill its

3 mission, and I just want to ask you a little bit more

4 about that.

5 Does the Texas NAACP -- and that includes

6 the State Conference -- centrally and any of its local

7 branches -- do they regularly engage in fundraising?

8 A. Yes.

9 Q. Do they regularly engage in political action

10 drives?

11 A. What do you mean when you say "political

12 action drives"?

13 Q. Do they regularly engage in any kind of

14 community outreach effort in order to drum up support

15 for any kind of political initiative or policy goal?

16 A. Nonpartisan work. So if anything would inform

17 people who may be running for office, both sides or all

18 sides, depending on how many people, or any policy

19 initiative on the ballot, but it's nonpartisan. It's

20 not saying, "Vote for this candidate over this person,"

21 never. Never that.

22 Q. The Texas NAACP, they never endorse a specific

23 political candidate?

24 A. We do not.

25 Q. At both the state and local levels?

45

1 A. I wouldn't say regularly.

2 Q. Okay. But they do engage in that kind of

3 activity?

4 A. It's been done once or twice.

5 Q. Since you've been there?

6 A. Yes.

7 Q. And again, we're going to get to that in a

8 second.

9 A. Okay.

10 Q. Does the Texas NAACP regularly engage in the

11 monitoring of legislative proposals during each Texas

12 legislative session?

13 A. How would you define "monitoring"?

14 Q. Do they track proposed bills and track where

15 they are in the legislative process?

16 A. Yes.

17 Q. Are you involved in that process?

18 A. I am.

19 Q. Does the Texas NAACP regularly engage in any

20 job fairs, networking events, any kind of professionally

21 tailored events like that for its membership or

22 constituents?

23 A. No.

24 Q. Does the Texas NAACP have in-house counsel?

25 You mentioned that Mr. Bledsoe is an attorney who

46

1 represents the Texas NAACP. Does he serve as kind of  
 2 the general counsel for the Texas NAACP? Are there --  
 3 sorry. Answer that question.  
 4 A. We have I guess a legal redress committee.  
 5 Q. A legal --  
 6 A. Legal redress committee.  
 7 Q. Redress committee?  
 8 A. Uh-huh. So we have our legal redress chair,  
 9 but I would say -- when you say "in-house counsel," I  
 10 guess what do you --  
 11 Q. Is there someone who is on the Executive  
 12 Committee of the Texas NAACP or who otherwise is  
 13 employed or participates in the governance of the Texas  
 14 NAACP who serves or who represents the Texas NAACP in  
 15 any legal matter?  
 16 A. Yes.  
 17 Q. And you seemed to indicate that there's  
 18 actually an office of people like that.  
 19 A. I wouldn't call it an office, no.  
 20 Q. Okay.  
 21 A. That was a committee position. But normally  
 22 it would be Gary Bledsoe and Robert Notzon.  
 23 Q. Robert Dodson?  
 24 A. Notzon. N-O-T-Z-O-N. I think I spelled his  
 25 name right. N-O-T-Z -- that seems right.

47

1 Q. N-O-T-Z-O-N?  
 2 A. Uh-huh.  
 3 Q. Are you aware if Mr. Notzon was included on  
 4 the list of initial disclosures?  
 5 MR. TATUM: You might be able to answer  
 6 that.  
 7 A. I think he is one of the attorneys  
 8 participating in this case.  
 9 MS. RUDD: And I don't know the answer to  
 10 that, but we'll get you the answer --  
 11 MR. TATUM: Okay.  
 12 MS. RUDD: -- in the course of this  
 13 deposition. Okay?  
 14 MR. TATUM: Sure.  
 15 MS. COHAN: He is listed as counsel in  
 16 this case.  
 17 MR. TATUM: He is?  
 18 MS. COHAN: Yes.  
 19 MR. TATUM: Okay. Thank you.  
 20 Q. (By Mr. Tatum) Okay. Now I want to ask more  
 21 specific questions to you regarding your role in the  
 22 Texas NAACP. What is your official title at the Texas  
 23 NAACP?  
 24 A. So my official title changes from day to day,  
 25 because I'm one staff person. So you can call me staff,

48

1 if it works. I handle so many issues for them. During  
 2 the session, I handle the legislative issue, office  
 3 manager -- master, executive assistant, so it varies.  
 4 Q. So you wear many hats within the Texas NAACP?  
 5 A. I do.  
 6 Q. And just to summarize that, you mentioned  
 7 office manager, legislative liaison -- would that be an  
 8 accurate description of one of your hats?  
 9 A. Office manager, executive -- legislative  
 10 liaison, yes.  
 11 Q. And executive assistant?  
 12 A. Executive assistant, driver. You know,  
 13 whatever needs to be done, I kind of do it.  
 14 Q. Got you. When did you become a member of the  
 15 Texas NAACP?  
 16 A. I can't remember. In 1998. Feels right,  
 17 yeah.  
 18 Q. And when did you begin your employment with  
 19 the Texas NAACP?  
 20 A. My employment was May of '07. May or June of  
 21 '07.  
 22 Q. So summer 2007?  
 23 A. Yes.  
 24 Q. Okay. To the extent that there is a typical  
 25 day in your job with the Texas NAACP, can you describe

49

1 what that typical day is like?  
 2 A. Sure. I go to the office. I will check my  
 3 emails to see if I've gotten any emails from Gary or  
 4 anybody about anything they need, check the phones,  
 5 attend meetings that may have been set up by different  
 6 people. And I guess that's about as typical as it --  
 7 being in contact with Gary or some of the other members  
 8 about anything that may pop up. I do some research for  
 9 them and see if there are any issues or anything they  
 10 need to be aware of and send out an email or phone call  
 11 or what have you to them saying, "Hey, FYI, here is  
 12 something for you."  
 13 And any information that the local  
 14 branches may need, shoot that to somebody and say, "This  
 15 might be a good program for your community," or what  
 16 have you, so --  
 17 Q. So do you regularly interact with Gary  
 18 Bledsoe?  
 19 A. Pretty much, yes.  
 20 Q. On a daily basis?  
 21 A. Yes.  
 22 Q. Do you manage anyone?  
 23 A. Just myself.  
 24 Q. Just yourself?  
 25 A. Just myself.



50

1 Q. Who would you say you report to?  
 2 A. Gary Bledsoe.  
 3 Q. Gary Bledsoe. Do you report to anyone else  
 4 besides Gary Bledsoe?  
 5 A. The state secretary as well. So I would be in  
 6 contact with her, Linda Lydia.  
 7 Q. Okay. So more or less, you have one boss?  
 8 A. I have multiple bosses.  
 9 Q. Multiple bosses?  
 10 A. I would say yes.  
 11 Q. Okay. I can relate.  
 12 What kind of -- to the best that you're  
 13 able to describe, what kind of decision-making authority  
 14 do you have within the Texas NAACP?  
 15 A. I guess it depends on the level that we're  
 16 dealing with.  
 17 Q. Can you describe something -- some kind of  
 18 activity, some area over which you would have final  
 19 decision-making authority?  
 20 A. Sure. Well, I guess -- you know, if I need  
 21 supplies for the office, I am able to just go ahead and  
 22 order them. Nothing too major but, you know, I can do  
 23 that. During the legislative session, if there's a --  
 24 not like a major bill, but a bill we would support, I'm  
 25 able to go and say, "This is actually a good bill. Here

52

1 moment? It's 10:30.  
 2 MS. RUDD: Sure.  
 3 MR. TATUM: Is everyone doing okay? Do  
 4 we need a short break?  
 5 MS. RUDD: That would be fine.  
 6 MR. TATUM: Okay. So we'll go off record  
 7 and take five, ten minutes, if that's okay.  
 8 MS. RUDD: Perfect.  
 9 MR. TATUM: All right.  
 10 MS. MILLER: Okay. Thanks.  
 11 (Recess from 10:32 a.m. to 10:44 a.m.)  
 12 Q. (By Mr. Tatum) All right, Mr. Banks. Before  
 13 we broke, you mentioned that one of the various hats you  
 14 wear at the Texas NAACP is that of legislative liaison.  
 15 Correct?  
 16 A. Yes.  
 17 Q. Okay. I want to ask you a little bit more  
 18 about that.  
 19 A. Sure.  
 20 Q. And you kind of touched on it briefly, but  
 21 could you describe again what kind of responsibilities  
 22 or duties you carry out as legislative liaison for the  
 23 Texas NAACP?  
 24 A. Sure. So I would go to the Capitol and  
 25 represent I guess the interest or the position of the

51

1 is why." Or if there's a bill that would be a concern,  
 2 say, "This is a bill we would have a concern with, and  
 3 here is why." Not if it's anything really, really big  
 4 or controversial, but small, on that level.  
 5 And if I need to -- if somebody wants to  
 6 have a meeting with me, I'm able to say, "Okay. I can  
 7 meet you on this date, at this time," and it's fine, as  
 8 long as it's within the city. If I need to go out of  
 9 the city, I need to get clearance, of course.  
 10 That's about all I can think of right  
 11 now.  
 12 Q. Are you in regular communication with the  
 13 local branches?  
 14 A. Not all of them.  
 15 Q. Are you assigned a particular number of local  
 16 branches that you're in charge of --  
 17 A. No.  
 18 Q. -- maintaining communication lines with?  
 19 A. No.  
 20 Q. If one of the local branches calls in and they  
 21 need to talk to someone and you happen to be there,  
 22 you'll --  
 23 A. Oh, yeah. I'll talk to them, yes.  
 24 Q. Okay.  
 25 MR. TATUM: Do you want to stop for a

53

1 thoughts that the Texas NAACP may have on specific bills  
 2 that come up. I would reach out to legislators to say,  
 3 "Hey, I see this bill may be filed. This is a good  
 4 idea. We support it," or, "It's a bad idea. Could you  
 5 make a change here or there, because we think that this  
 6 will cause a problem to the African-American community,  
 7 and not just the African-American community, but for a  
 8 lot of other folks in Texas as well."  
 9 I would watch to see if any harmful bills  
 10 are being passed and how -- and I find politics to be  
 11 funny, so a lot of this is humor for me as well to  
 12 watch -- the Texas House floor debates a lot of times  
 13 are very interesting and can be intense, so I enjoy  
 14 sitting and watching those as well and just watching and  
 15 observing and tell Gary and the political action chairs,  
 16 committees we have, I'll go back and tell them, "Well,  
 17 this is what was said by somebody on this bill," or,  
 18 "This bill came out of one chamber or is being heard.  
 19 It does this. What are your thoughts on it? Do you  
 20 have any feelings one way or the other?" And if so, we  
 21 can let it be known if I need to go and testify on our  
 22 behalf and say, "Well, you know, real quick, this is why  
 23 we feel this way or that way. If you were to change it,  
 24 we could probably go along with it if you make this  
 25 change or that," or if it's going to be a bad idea.

54

1 Q. So you represent the interests of the Texas  
2 NAACP at the Capitol during legislative sessions?  
3 A. I should say myself, and Gary will come over  
4 from time to time as well.  
5 Q. Does anyone else come with you?  
6 A. It's normally just me.  
7 Q. Or Gary?  
8 A. Or Gary. And sometimes it's both, especially  
9 if it's something big.  
10 Q. And y'all meet individually and in person with  
11 various legislators?  
12 A. We have in the past, yes.  
13 Q. You meet in their office?  
14 A. In their office, yes.  
15 Q. Okay. And are there any materials exchanged?  
16 Do you bring summaries of your concerns, recommended  
17 changes to proposed bills, proposed new bills, anything  
18 like that?  
19 A. I don't think I've proposed any -- had  
20 anything written down for new bills. I may have notes  
21 jotted down or things I want to make sure I say. They  
22 only give you, like, three minutes for a lot of those  
23 committees, so you have to try to be focused. So I  
24 wouldn't say there's any new bills, but Gary may  
25 have -- if he's testifying, he normally has his

56

1 A. I want to say during the House committee  
2 hearing, I believe I testified then.  
3 Q. So again, you said your employment with the  
4 Texas NAACP goes back to 2007.  
5 A. Uh-huh.  
6 Q. That would have been the -- the 80th  
7 Legislature, did you testify -- or did you serve as  
8 legislative liaison for the Texas NAACP during that  
9 session?  
10 A. Was the 80th during '07?  
11 Q. 2007, I believe.  
12 A. I interned for them during the 80th.  
13 Q. You were an intern for the Texas NAACP?  
14 A. Right, nonpaying intern.  
15 Q. Okay. Did you become -- did you serve as  
16 legislative liaison during the 2009 Legislature?  
17 A. Yes.  
18 Q. And the 2011 and the 2013?  
19 A. Yes.  
20 Q. Okay. So in 2007, you started as an intern?  
21 A. Correct.  
22 Q. And how long were you an intern before you got  
23 your full-time position?  
24 A. Started in January, I believe. So I guess  
25 that's five, six months, give or take.

55

1 testimony written out that he may submit, but I wouldn't  
2 say any, like, new bills that have been brought over  
3 to --  
4 Q. Do you ever testify?  
5 A. I do.  
6 Q. When was the last time you testified?  
7 A. Last session, special session.  
8 Q. During the 83rd Legislature, 2013?  
9 A. 2013, I'm sorry. Yes. I couldn't give you  
10 the exact date, but I did testify during the -- I know  
11 during the first called special session. I think maybe  
12 during the second, but I'm not 100 percent on that one.  
13 Q. And your testimony was in relation to what  
14 kind of bill -- or what bill specifically, if you  
15 remember?  
16 A. The last time I testified?  
17 Q. Yes.  
18 A. From what I remember would have been  
19 redistricting.  
20 Q. Did you testify in relation to Senate Bill 14  
21 during the 2011 Legislature?  
22 A. I want to say yes.  
23 Q. You did?  
24 A. I want to say yes.  
25 Q. How many times did you testify?

57

1 Q. Okay. During the legislative session, do you  
2 meet with any other organizations or groups?  
3 A. I have, yes.  
4 Q. On behalf of the Texas NAACP?  
5 A. Yes.  
6 Q. And can you give me -- can you name some of  
7 those organizations or groups?  
8 A. Over any specific issue, or just in general?  
9 Q. In the normal course of representing the  
10 interest of the Texas NAACP during a legislative  
11 session, do you have regular meetings or interaction  
12 with other groups that might share the interest of the  
13 Texas NAACP?  
14 A. I wouldn't always say regular meetings, but we  
15 have scheduled meetings with different groups if we see  
16 we have like interests on certain topics.  
17 Q. Can you give me examples of some of those  
18 other groups?  
19 A. Sure. In the past, we've actually -- well,  
20 did we meet them during this session? I might have. I  
21 know I've met with actually TAB before.  
22 Q. Say that again.  
23 A. I think it's TAB, Texas Association of  
24 Business. I think I have met with them before I think  
25 during the session. I know I've met with Mr. Hammond



58

1 before, but I think actually it was during the session.  
 2 MALDEF. I have met with League of Women Voters.  
 3 Q. I'm sorry. The League of Women Voters?  
 4 A. Yes. ACLU. I've met with -- those are just  
 5 some of the organizations I can remember off the top of  
 6 my head.  
 7 Q. Since 2007, have you tracked, monitored or  
 8 testified in relation to any voter ID requirements bill?  
 9 A. Yes.  
 10 Q. Do you remember specific bills that you  
 11 testified to?  
 12 A. Well, I would say Senate Bill 14, and I don't  
 13 remember the other -- I know there have been other, I  
 14 guess, voter ID bills.  
 15 Q. Do you recall if you testified to Senate  
 16 Bill 362 in 2009, I believe?  
 17 A. I would have to see what that bill is. I  
 18 don't want to say yea or nay. I don't remember the  
 19 numbers.  
 20 Q. Okay. So you track and monitor -- as part of  
 21 your duty as legislative liaison, you would track and  
 22 monitor various voter ID requirement bills. Correct?  
 23 A. Yes.  
 24 Q. And based on your knowledge gleaned from that  
 25 tracking and monitoring, do you turn around and educate

60

1 a few, but it would be a mass package of information.  
 2 Q. Okay. I guess what I'm getting at is how do  
 3 you update the membership or the Executive Committee of  
 4 the Texas NAACP about what's going out at the Capitol  
 5 with regard specifically to voter ID proposals?  
 6 A. I guess various ways I do it. I do it through  
 7 talking to Gary Bledsoe, who is close by. So it's easy  
 8 to go over and talk to him. Or I would, you know, issue  
 9 a quick email to him, or later on say, "Here's the bill.  
 10 Here's what it says," and let them do what they do.  
 11 Q. Okay. Outside of your legislative work, are  
 12 you involved at the Texas NAACP with any kind of  
 13 budgeting matters or other kinds of resource allocation?  
 14 A. How do you mean?  
 15 Q. The Texas NAACP has a budget I assume that  
 16 they put together every year. Correct?  
 17 A. Correct.  
 18 Q. Where they need to decide how to allocate  
 19 their various resources, both financial and otherwise.  
 20 Correct?  
 21 A. Uh-huh.  
 22 Q. Do you have any involvement with that process?  
 23 A. That's above my pay grade.  
 24 Q. That's above your pay grade?  
 25 A. Above my pay grade.

59

1 the members of the Texas NAACP regarding various voter  
 2 ID requirement proposals?  
 3 A. Ask the question again.  
 4 Q. Sure. So in the course of your duties as  
 5 legislative liaison, you learn a lot about the various  
 6 bills that are being proposed --  
 7 A. Right.  
 8 Q. -- that relate to voter ID requirements.  
 9 Correct?  
 10 A. Correct.  
 11 Q. With that knowledge, do you use it to educate  
 12 the members of the Texas NAACP or the constituents of  
 13 the Texas NAACP about those various voter ID  
 14 requirements that are being proposed?  
 15 A. I have informed members in the past about the  
 16 bills and say, you know, "This is what the bill entails.  
 17 This is what the bill says." In that aspect, yes.  
 18 Q. Do you compile any of this knowledge that you  
 19 gain from this role and package it up in any kind of  
 20 mass communication and send it out amongst the  
 21 membership?  
 22 A. I don't, no.  
 23 Q. You don't know if so --  
 24 A. No, I'm sorry. I guess I didn't say it right.  
 25 I don't compile it in a mass email. I would send it to

61

1 Q. Who -- can you name anyone -- who would be  
 2 kind of in charge of that process? Is there anyone that  
 3 heads up that process?  
 4 A. Gary would play a role into --  
 5 Q. Gary Bledsoe?  
 6 A. Gary Bledsoe would play a role into how the  
 7 budget is decided, as well as the Executive Committee.  
 8 They would play a role into how financial resources are  
 9 allocated and spent.  
 10 Q. Does that committee consider the input of the  
 11 membership or constituents in comprising or putting  
 12 together a budget every year?  
 13 A. Say that again. I'm sorry.  
 14 Q. Sure. You mentioned that Gary Bledsoe and the  
 15 Executive Committee is in charge of putting together a  
 16 budget for the Texas NAACP every year. Correct?  
 17 A. Uh-huh. Correct.  
 18 Q. And in the process of putting together that  
 19 budget, do they consider or receive input from the Texas  
 20 NAACP membership or constituency regarding how the  
 21 budget should be planned?  
 22 A. I don't know.  
 23 Q. You don't know?  
 24 A. I don't know.  
 25 Q. Last question on this area before moving on.

62

1 Are you involved in any kind of PR work for the Texas  
 2 NAACP? Do you help put on press releases or organize  
 3 press conferences or handle various social media  
 4 platforms for the Texas NAACP?  
 5 A. Yes.  
 6 Q. You do?  
 7 A. Yes.  
 8 Q. Okay. Can you briefly describe for me what  
 9 your duties related to PR are like?  
 10 A. Sure. I would work for our press and  
 11 publicity chair, and that could be where I would draft  
 12 the initial press release of something and he would  
 13 tweak it or do what he's going to do to it and change  
 14 it. I can shoot it out to the press or put it up on our  
 15 website. I have access to our Twitter account, so I can  
 16 send out tweets or re-tweet something from somebody.  
 17 Of course, I handle our website, so I can  
 18 put whatever needs to -- whatever is asked for me to put  
 19 on the website, I can do that as well, as well as the  
 20 Facebook page. I don't know if it's a group or fan  
 21 page, but the Facebook page we have, I can put posts on  
 22 anything on the Facebook page.  
 23 Q. So you're proficient in the use of social  
 24 media and internet websites and coding and all that  
 25 stuff?

63

1 A. I wouldn't say proficient in coding, but I've  
 2 gotten good at social media and what have you, yes.  
 3 Q. Sure. But you manage the website?  
 4 A. I do. We don't have to code for our website,  
 5 so it's --  
 6 Q. Okay. I don't know anything about how that  
 7 works is why I'm asking.  
 8 A. It's fairly simple.  
 9 Q. Okay. Is there anything else that you do at  
 10 the NAACP that you didn't already mention? Any other --  
 11 let me narrow that down. Is there any other hat that  
 12 you wear at the NAACP that's related or might be  
 13 relevant to this case?  
 14 A. That I can remember right now, no.  
 15 Q. Okay. If you do remember by the time we're  
 16 done here today, you can --  
 17 A. Sure.  
 18 Q. -- make that clear at the end.  
 19 A. No problem.  
 20 Q. Okay. Mr. Banks, do you know what this  
 21 lawsuit is about?  
 22 A. Yes.  
 23 Q. And can you tell me what it's about?  
 24 A. The lawsuit is challenging the active  
 25 enforcement of Senate Bill 14, which is the voter ID

64

1 law, that will have harmful impact on minorities and  
 2 folks in the state of Texas.  
 3 Q. And just to be clear, when we talk about  
 4 Senate Bill 14, we're talking about Senate Bill 14  
 5 passed during the 82nd Legislature in 2011?  
 6 A. Correct.  
 7 Q. Okay. Are you familiar with the requirements  
 8 of Senate Bill 14?  
 9 A. Yes.  
 10 Q. And in general, what does Senate Bill 14  
 11 require?  
 12 A. It requires six forms of photo ID.  
 13 Q. And do you know what those six forms are?  
 14 A. Yes.  
 15 Q. Can you tell me what those six forms of photo  
 16 ID required by Senate Bill 14 are?  
 17 A. Sure. So you have to have a Texas issued  
 18 driver's license or ID card, the EIC card -- or voter  
 19 free ID, depending on who you're talking to -- passport,  
 20 your citizenship card with picture ID on it, and a  
 21 military ID.  
 22 Q. Is a concealed handgun license one of those --  
 23 A. I'm sorry. I lost count. And your concealed  
 24 handgun license as well.  
 25 Q. Okay. You mentioned an EIC. What is an EIC?

65

1 A. It's a free ID -- or it's labeled as a free ID  
 2 that you can get from the state, Election Identification  
 3 Certificate.  
 4 Q. And do you know how one obtains an EIC? We'll  
 5 call it an EIC for our purposes.  
 6 A. Sure. Similar to how you would get a state ID  
 7 or driver's license. You would have to go to the DPS  
 8 office with the required forms or documents in order to  
 9 get the ID.  
 10 Q. And do you know what those forms or documents  
 11 are?  
 12 A. It's a long list of -- from your primary and  
 13 secondary documents that you have to have is very -- a  
 14 very long list of -- I couldn't rattle them all off the  
 15 top of my head.  
 16 Q. Do you know where you could go to find that  
 17 list?  
 18 A. Yes.  
 19 Q. And where is that?  
 20 A. You can go to the Secretary of State's  
 21 website, as well as the DPS website, I believe, as well  
 22 to see what you need to get.  
 23 Q. Based your knowledge of Senate Bill 14, have  
 24 you sought to educate the members of the Texas NAACP  
 25 regarding its requirements?

66

1 A. You mean as an individual or --  
 2 Q. Yes, you individually on behalf of the Texas  
 3 NAACP?  
 4 A. Yes.  
 5 Q. You have?  
 6 A. Yes.  
 7 Q. And how did you do that?  
 8 A. Through mouth, from conversation with those --  
 9 when I've sent out emails before as far as the forms of  
 10 ID that you can use to go and vote saying, "Here is what  
 11 they are."  
 12 Q. Has the NAACP ever held any kind of events or  
 13 activities specifically tailored to educate its members  
 14 or constituents regarding the requirements of Senate  
 15 Bill 14?  
 16 A. Yes, we have.  
 17 Q. And are those ongoing? Have any been held  
 18 recently?  
 19 A. Define "recently."  
 20 Q. When was the last time such an activity was  
 21 held?  
 22 A. Okay. The last I can recall, October of last  
 23 year, the one that comes to my mind.  
 24 Q. October of 2013?  
 25 A. Yes.

67

1 Q. And what kind of event, activity --  
 2 A. It was at our state convention. It was  
 3 workshops at -- I think a couple of workshops, actually,  
 4 that was geared toward that, informing members, as well  
 5 as people who were -- general -- our constituents.  
 6 Q. It was a workshop at the state convention?  
 7 A. Correct.  
 8 Q. What is the state convention?  
 9 A. The state convention we hold every year to do,  
 10 I guess, the business of the organization where some  
 11 decisions are made, and it's a training session as well  
 12 for our members and our constituents for the general  
 13 public for different workshops we have where they can  
 14 come and learn about different things. We're doing  
 15 different ways to handle certain situations that may  
 16 occur in their local environment. So we did -- or their  
 17 local community. So we did have I believe a couple -- I  
 18 think it was a couple -- I know at least one workshop on  
 19 voter ID and what they need to do.  
 20 Q. Was that workshop -- let me back up.  
 21 So the state conventions are held every  
 22 year?  
 23 A. Yes.  
 24 Q. Are they held in the same place every year?  
 25 A. No.

68

1 Q. Where was the last one held?  
 2 A. The Dallas area.  
 3 Q. Somewhere --  
 4 A. Like Grapevine or Irving.  
 5 Q. Somewhere in the DFW area?  
 6 A. Somewhere in the DFW area, yes.  
 7 Q. Okay. And before that, where was it held? Do  
 8 you remember?  
 9 A. I think that was Corpus Christi.  
 10 Q. In Corpus?  
 11 A. I believe so.  
 12 Q. Okay. So these state conventions are held in  
 13 addition to the quarterly meetings?  
 14 A. Correct.  
 15 Q. Okay. And at these state conventions, there  
 16 are various workshops that are put on by the Texas  
 17 NAACP -- and when I'm speaking right now, I'm trying to  
 18 summarize your testimony. Please correct me if I am not  
 19 summarizing your testimony accurately.  
 20 There are various workshops held at these  
 21 state conventions in which the membership or  
 22 constituency of the Texas NAACP is educated or made  
 23 aware of various initiatives or challenges facing the  
 24 Texas NAACP and the fulfillments of its mission. Is  
 25 that correct?

69

1 A. Not necessarily. We do have various workshops  
 2 that are there, and some of them they'll deal with -- so  
 3 if you do incur this issue, how do you go about  
 4 assisting or rectifying it. It could be a financial  
 5 thing, where you say, "Hey, we're doing a workshop  
 6 about -- not necessarily budgeting, but why is it  
 7 important to set up a will," or something to that  
 8 nature.  
 9 Q. Sure.  
 10 A. So it's not just that. The topics can deal  
 11 with so many different things that we think is good for  
 12 our membership to know, and our constituency as well to  
 13 know. And we try to help them with aiding and assisting  
 14 people as well.  
 15 Q. So these workshops are part of the regular  
 16 agenda of the state convention every year. Is that  
 17 correct?  
 18 A. Different kinds of workshops. It's not the  
 19 same ones over and over again.  
 20 Q. Right.  
 21 A. They can vary for -- President Bledsoe sets  
 22 the agenda for the convention as far as the workshop  
 23 goes and what he sees is important and what we need to  
 24 focus on.  
 25 Q. So one year the workshops could deal with one

70

1 issue, one year they deal with another issue, just  
 2 whatever issues are relevant to the Texas NAACP every  
 3 year. Correct?  
 4 A. Whichever is relevant and pressing, which is  
 5 important.  
 6 Q. Right.  
 7 A. Something that needs to be done.  
 8 Q. But the fact is that can change year to year,  
 9 and the Texas NAACP is able to, you know, put on  
 10 effective workshops based on whatever the pressing  
 11 issues are that year. Is that correct?  
 12 A. It can change year to year, but if the issue  
 13 stays the same, similar and pressing is bad, it can keep  
 14 coming up, which could get in the way of something that  
 15 might be just as important or as important, but because  
 16 they're still dealing with the same issue, you have to  
 17 keep addressing it, which kind of hurts with helping --  
 18 because you only have X amount of time and X amount of  
 19 days to do this. So it's like we want to do this, but  
 20 we want to make sure we cover this.  
 21 Q. Right.  
 22 A. So it can get in the way and interfere with  
 23 what could be just as pressing.  
 24 Q. So some years there are pressing issues facing  
 25 the Texas NAACP that don't necessarily get covered in a

72

1 speculation.  
 2 A. I would have a hard time -- I don't know the  
 3 total number of memberships, so I wouldn't be able to  
 4 say it's a large percentage or what percentage it would  
 5 be.  
 6 Q. (By Mr. Tatum) Where are these conventions  
 7 held? Like what kind of facility?  
 8 A. Typically at hotels.  
 9 Q. You rent out a conference room or --  
 10 A. Correct. Yeah, different conference rooms,  
 11 ballrooms, what have you. And at different hotels.  
 12 Q. In your opinion, on average, how many people  
 13 show up? What's the average attendance number?  
 14 A. Truthfully, I couldn't even give you a guess  
 15 because I'm normally running around. So I couldn't say.  
 16 I've never seen the final numbers.  
 17 Q. Okay. So you attended the state convention in  
 18 Corpus two years ago. Correct?  
 19 A. Yes.  
 20 Q. Let me rephrase that. The state convention  
 21 this past year was in the Dallas area?  
 22 A. Correct.  
 23 Q. And you attended that one?  
 24 A. Yes.  
 25 Q. And the year before that in 2012 was in

71

1 workshop at the state convention?  
 2 A. It's possible.  
 3 Q. It's possible?  
 4 A. But we try to make sure we can get to it.  
 5 But, yes, there are times where -- some issue just don't  
 6 go away, and you have to make sure it's covered. So  
 7 there's issues that will suffer or won't get the  
 8 attention that they deserve because of that.  
 9 Q. And you mentioned that Mr. Bledsoe kind of has  
 10 the decision-making authority to decide what the  
 11 pressing matters are for a given year. Is that correct?  
 12 MS. RUDD: Objection; misstates  
 13 testimony. You can answer.  
 14 THE WITNESS: Okay. I'm sorry.  
 15 A. Yeah, he -- he'll sit down -- I'll sit down  
 16 with him, and he'll tell me, "Yes. Here is our ideas  
 17 that I'm thinking," and we'll go from there.  
 18 Q. (By Mr. Tatum) Sure. At any of the past --  
 19 did you attend the past two state conventions?  
 20 A. I did.  
 21 Q. And how many people usually show up for these?  
 22 A. I could not tell you.  
 23 Q. Would you say it's a large percentage of the  
 24 membership?  
 25 MS. RUDD: Objection; calls for

73

1 Corpus. Correct?  
 2 A. I believe so.  
 3 Q. And you attended that one?  
 4 A. Yes.  
 5 Q. Do you recall where the one in 2011 was?  
 6 A. Hmm.  
 7 Q. If you don't, that's okay.  
 8 A. Where was that? I don't recall right now.  
 9 Q. Did you attend that one?  
 10 A. I did attend it.  
 11 Q. Okay. At either one of those three  
 12 workshops -- sorry. At either one of those three  
 13 conventions, was there a workshop held regarding voter  
 14 ID requirement bills -- or let me rephrase that.  
 15 Were there workshops held regarding laws  
 16 and requirements for -- let me back up again.  
 17 A. Okay.  
 18 Q. At any of those conventions, was there a  
 19 workshop held specifically relating to the education  
 20 of -- specifically geared towards educating people  
 21 regarding voter ID requirements?  
 22 A. I know last year yes, because last year was  
 23 2013. And then 2012, we --  
 24 Q. Let me ask a more specific question.  
 25 A. Sure.

74

1 Q. Were there any workshops specifically held  
2 that were intended to educate members or constituents  
3 about the requirements of Senate Bill 14?  
4 A. In Dallas, yes. In Corpus, I'm trying to  
5 remember the agenda, and I --  
6 Q. To the best of your knowledge.  
7 A. I'm coming up blank on the agenda in Corpus.  
8 I really don't remember.  
9 Q. Okay. Is the agenda for these state  
10 conventions, is that something that's mailed out to the  
11 membership or posted online on a website?  
12 A. Typically posted online.  
13 Q. Okay.  
14 A. And they get it when they get there as well.  
15 Q. Okay. Why did the Texas NAACP decide to join  
16 this lawsuit?  
17 MS. RUDD: Objection; calls for a legal  
18 conclusion.  
19 Q. (By Mr. Tatum) You can answer.  
20 MS. RUDD: Calls for speculation.  
21 A. Okay. Well, we realized the harm that it  
22 would have on minorities and low income people being  
23 able to exercise their right to vote, and we feel that  
24 it is important -- it's been the history and the mission  
25 of the association to defend them and ensure that all

76

1 Q. (By Mr. Tatum) And in your opinion, does the  
2 Texas NAACP -- did they join this lawsuit for purposes  
3 of representing its own interests as an organization?  
4 MS. RUDD: Objection; irrelevant, calls  
5 for speculation.  
6 A. I guess what do you mean when you say the  
7 interest of the organization?  
8 Q. (By Mr. Tatum) Does the Texas NAACP contend  
9 that Senate Bill 14 affects its ability to fulfill its  
10 mission as an organization?  
11 A. It's harmful to us, yes.  
12 Q. You contend that SB 14 is harmful to the  
13 ability of the Texas NAACP to fulfill its mission?  
14 A. Yes. I am saying that it is harmful to us to  
15 fulfill the mission as stated on the website, yes.  
16 Q. In the time leading up to the filing of the  
17 initial -- of the Texas NAACP's initial complaint that  
18 initiated this lawsuit -- or that initiated its  
19 participation in this lawsuit, were there meetings held  
20 to discuss the pros and cons of such an action?  
21 MS. RUDD: And I just want to caution  
22 you, Yannis, to not reveal any communications that might  
23 have occurred in any of those meetings leading up to the  
24 decision to file this lawsuit, whether they happened --  
25 the fact that they happened is something you can testify

75

1 persons have that right to vote. And it's important for  
2 us to make sure that, you know, they would be able to  
3 continue to have that -- their God-given right to go out  
4 and access their vote without having any kind of  
5 hindrances that they shouldn't have to -- hurdles they  
6 shouldn't have to jump over.  
7 Q. (By Mr. Tatum) So you touched on this  
8 briefly. Let me just ask you again -- or let me just  
9 ask you for the first time.  
10 In joining this lawsuit, is the Texas  
11 NAACP representing itself as an organization, or is it  
12 representing the rights of its members?  
13 MS. RUDD: Objection; calls for a legal  
14 conclusion.  
15 A. We are representing the rights of -- we are  
16 defending, I guess, the rights of members and  
17 constituents, the people of Texas, so that they can  
18 ensure they have the right to vote and make sure that  
19 their voices can be heard.  
20 Q. (By Mr. Tatum) So you're representing the  
21 rights of your individual members?  
22 MS. RUDD: Objection; calls for a legal  
23 conclusion, calls for speculation.  
24 A. We're representing the rights of members and  
25 our constituents.

77

1 to, but I don't want you to reveal any conversations  
2 that occurred in those meetings. Okay?  
3 THE WITNESS: Sure.  
4 A. State the question again, please.  
5 Q. (By Mr. Tatum) Sure. In the time leading up  
6 to the filing of the Texas NAACP's initial complaint  
7 which initiated this lawsuit, were there meetings held  
8 to discuss the pros and cons of such an action?  
9 A. Yes.  
10 Q. So meetings did occur?  
11 A. Conversations did, yes.  
12 Q. Conversations over the phone, conversations --  
13 or conversations in person, or both?  
14 A. I don't know. I wasn't a part of the  
15 conversations, but I know conversations were had for the  
16 meetings -- or for the lawsuit to go forward.  
17 Q. Okay. And do you know who was present at  
18 these meetings?  
19 A. I'm sure Gary Bledsoe was present as his role  
20 that he has.  
21 Q. Were members of the Executive Committee  
22 present?  
23 A. We have to get their approval to go forward,  
24 so they would be involved.  
25 Q. So they would necessarily be involved in order



78

1 to take an action like this?  
 2 A. Yes.  
 3 Q. Okay. Were lawyers of the Texas NAACP present  
 4 at these meetings?  
 5 MS. RUDD: Objection; calls for  
 6 speculation, but you can answer if you know.  
 7 A. I would say yes.  
 8 Q. (By Mr. Tatum) Were outside counsel present  
 9 at these meetings?  
 10 MS. RUDD: Same objection.  
 11 A. I don't know.  
 12 Q. (By Mr. Tatum) And you stated that you were  
 13 not present at these meetings?  
 14 A. Not that I recall, no.  
 15 Q. Okay. So you did not participate in any  
 16 meeting where the initiating of this lawsuit was  
 17 discussed?  
 18 A. In any of the conversations, not that I  
 19 recall, no.  
 20 Q. Okay. To the best of your knowledge, were any  
 21 other organizations or groups sharing any interests of  
 22 the Texas NAACP present at these meetings?  
 23 A. I would say no.  
 24 Q. Are you familiar with the other parties to  
 25 this suit?

80

1 Q. And not answer that question?  
 2 A. Correct.  
 3 Q. Okay. Do you know how the ultimate decision  
 4 was made to initiate this lawsuit? Was there a vote?  
 5 Was -- I'm sorry.  
 6 A. I'm sorry.  
 7 Q. Was there a vote?  
 8 A. Yes.  
 9 Q. Was that vote taken amongst the Executive  
 10 Committee?  
 11 A. Yes.  
 12 Q. Did that process involve any input from the  
 13 Texas NAACP membership or constituency?  
 14 A. No.  
 15 Q. So the ultimate decision to initiate this  
 16 lawsuit -- and I'm summarizing here. Correct me if I'm  
 17 saying anything that's not accurate.  
 18 The ultimate decision to initiate this  
 19 lawsuit was made by -- at the executive level?  
 20 A. The Executive Committee made the decision to  
 21 initiate the lawsuit, yes.  
 22 Q. By a vote?  
 23 A. Yes.  
 24 Q. Okay. And you're not on the Executive  
 25 Committee, so you did not participate in that vote?

79

1 A. Somewhat, yes.  
 2 Q. Were any other parties to this suit present at  
 3 any of these meetings?  
 4 A. No.  
 5 Q. Are you familiar with the various topics that  
 6 were discussed at these meetings?  
 7 A. Who do you mean "the various topics"?  
 8 Q. I mean the general just -- I'm not talking  
 9 about specific discussions, but the general content --  
 10 the general topics of these meetings.  
 11 A. I'm still confused, I guess, by when you're  
 12 saying the context of the meetings. I'm -- I'm not  
 13 following.  
 14 Q. Okay. Do you -- to the best of your  
 15 knowledge, do you know if during these meetings at which  
 16 you weren't present --  
 17 A. Right.  
 18 Q. -- do you know if there was any discussion  
 19 about the resources involved in initiating a lawsuit  
 20 like this?  
 21 MS. RUDD: Objection; calls for  
 22 attorney-client privileged information. I'm going to  
 23 instruct the witness not to answer.  
 24 Q. (By Mr. Tatum) Are you going to --  
 25 A. I'm going to follow the advice of my attorney.

81

1 A. Right.  
 2 Q. Okay. Did you provide any input into that  
 3 vote?  
 4 A. Not that I'm aware of.  
 5 (Exhibit No. 3 marked)  
 6 Q. (By Mr. Tatum) Now I'm handing you what's  
 7 been marked as Exhibit 3.  
 8 A. Okay.  
 9 Q. Mr. Banks, do you recognize this document?  
 10 A. Let me take a look.  
 11 Q. Okay. Take as much time as you need.  
 12 A. Yeah, I'm familiar with this.  
 13 Q. And what is this document?  
 14 A. I don't know the exact term that y'all  
 15 would -- the legal term that it's called.  
 16 Q. I'll represent to you that this is the  
 17 complaint for declaratory and injunctive relief filed by  
 18 the Texas State Conference of NAACP Branches. In your  
 19 opinion, is that an accurate statement? And I'm getting  
 20 that from the top of Page 1 on the right there.  
 21 A. Oh, the complaint. Yep.  
 22 Q. Okay.  
 23 A. Works for me.  
 24 Q. So this is the complaint that initiated the  
 25 Texas NAACP's involvement with this lawsuit. Correct?

82

1 A. Correct.

2 Q. Okay. Did you assist at all in the

3 preparation of this document?

4 A. Not that I'm aware of. Not that I'm aware of.

5 Q. Okay. But you are aware that this document

6 represents the claims and allegations being made by the

7 Texas NAACP in this lawsuit?

8 A. Correct.

9 Q. Okay. I'm looking at Page 2, Paragraph 3(b).

10 Based on that paragraph, in your opinion, is the Texas

11 NAACP contending that Senate Bill 14 is causing and will

12 continue to cause the Texas NAACP to divert a portion of

13 its financial and other organizational resources to

14 educating Texas citizens about the requirements of

15 Senate Bill 14 and assisting voters in casting in-person

16 ballots in compliance with Senate Bill 14?

17 A. What was your question? It was just a lot

18 to --

19 Q. Sorry. I was reading directly from the

20 complaint. Is that a contention that the Texas NAACP is

21 making?

22 A. Yes.

23 Q. Okay. What is that contention based on?

24 A. The fact that it will -- so as far as

25 financial, you know, it would be money that we could use

83

1 towards other programs, other things we could be doing

2 that we would now -- would have to be diverted towards

3 the lawsuit. And when it comes to organizational

4 resources -- and it could be many other financial

5 resources. And even just with stuff I may have -- that

6 they have me doing or would have me focused on, it could

7 shift from that and that being able to do or assist --

8 or even just how different programs that we may have

9 intended to do or want to do would now have to be not

10 done because we have to educate, inform, and get the

11 people out there so they understand what they need to

12 do.

13 Q. But for the enactment of Senate Bill 14, how

14 would the resources that are being -- that are allegedly

15 being diverted to Senate Bill 14 related activities, how

16 would those resources be used outside of -- if Senate

17 Bill 14 had never been enacted? In other words, you're

18 claiming that these resources, both financial and

19 otherwise, are being diverted towards activities

20 directly related to Senate Bill 14 --

21 A. Uh-huh.

22 Q. -- and that they could be more appropriately

23 used somewhere else. Is that correct?

24 A. Correct.

25 Q. What other important purposes or functions

84

1 could those resources be put to?

2 A. Well, it's time and focus. Whether it's

3 working with -- working more with the economic

4 development committee for economic development projects

5 as far as educating the community about payday lending,

6 alternative forms of -- you know, why they need to bank,

7 why they need to have bank accounts set up, what they

8 can do to increase the financial standing in their

9 community, whether it's focusing more on education

10 issues or when it comes to -- you know, we have the new,

11 I guess, testing that's rolled out for pub ed, and

12 saying, "Okay. You need to focus a little bit more on

13 this and make sure folks understand these new curriculum

14 changes that were made."

15 And just the different fields we could

16 spend more time focusing on saying, "Here are some

17 really pressing issues," and time and energy and

18 resources behind that. It has to now go towards the

19 Senate Bill 14 lawsuit.

20 Q. Does that include the workshops at the state

21 conventions that you previously testified about?

22 A. It would.

23 Q. Are there any other -- when you were talking

24 about the state convention, you talked about pressing

25 needs or pressing issues of the Texas NAACP.

85

1 A. Sure.

2 Q. Are there any of those pressing needs or

3 issues -- are there any of those that are not receiving

4 the resources, both financial and otherwise, that they

5 deserve because of Senate Bill 14?

6 A. I would say yes.

7 Q. And what is that based upon?

8 A. That's based upon -- when planning for, like,

9 the last convention, because it's one I can remember

10 fairly well, just conversations I've had with Gary,

11 because of people who may want to do our workshop. I

12 think we did, like, two -- I think we did, like, two

13 Senate Bill 14 related workshops trying to make sure we

14 cover it, which it's a slot that could have been used

15 for, you know, something else. So, you know, issues

16 that are important in other areas, whether it's been

17 education or veterans in need -- veterans may need and

18 what have you, ignoring -- or not necessarily ignoring,

19 but not able to do those.

20 Q. Uh-huh.

21 A. That hinders in making sure that folks are

22 properly trained, or if we need a legal redress workshop

23 and say, "Okay. If this happens in your community, this

24 is what you need to do to take a person's complaint and

25 the process you want to have done." You may not be able



86

1 to do those workshops because you have to focus on this.  
 2 And even -- and, you know, putting the other resources  
 3 to try to fight this lawsuit.  
 4 Q. Now, the Texas NAACP, as well as the National  
 5 NAACP, that's a nonprofit organization. Is that  
 6 correct?  
 7 A. Correct.  
 8 Q. Okay. So its resources are necessarily  
 9 limited and finite every year. Is that correct?  
 10 A. That's correct.  
 11 Q. Okay. So would I be accurate in saying that  
 12 every year, in compiling a budget for the activities of  
 13 the Texas NAACP that year, a decision has to be made as  
 14 to how to allocate those resources?  
 15 MS. RUDD: Objection; calls for  
 16 speculation.  
 17 A. Yes.  
 18 Q. (By Mr. Tatum) So is it possible that in any  
 19 given year there are going to be issues considered  
 20 pressing to the Texas NAACP that aren't going to receive  
 21 the allocation of resources that may be necessary?  
 22 A. Yes, it would be. And there would be and  
 23 there will be times where -- something that keeps  
 24 recurring or is there and the costs that may be  
 25 associated, other programs will get less than maybe they

88

1 that extent.  
 2 Q. (By Mr. Tatum) Let me rephrase. Within your  
 3 experience at the Texas NAACP -- so from 2007 onward --  
 4 A. Right.  
 5 Q. -- do you recall any other instance outside of  
 6 redistricting and voter ID where resources of the Texas  
 7 NAACP had to be diverted and allocated to one matter to  
 8 the detriment of another?  
 9 A. During my time, no.  
 10 Q. No, you don't?  
 11 A. No.  
 12 Q. Okay. Because of Senate Bill 14, is it your  
 13 opinion that the Texas NAACP is no longer able to  
 14 fulfill its mission?  
 15 A. It hinders the Texas NAACP from being able to  
 16 fulfill its mission.  
 17 Q. It hinders it?  
 18 A. It hinders it. It hurts it -- it hurts us, I  
 19 guess I should say. It hurts us from being able to  
 20 fulfill its mission.  
 21 Q. But in your opinion, to date, the Texas NAACP  
 22 has been able to fulfill its mission despite Senate  
 23 Bill 14?  
 24 MS. RUDD: Objection; calls for  
 25 speculation, misstates testimony.

87

1 normally have or normally would get because you have to  
 2 find the money that you would need to -- or the time or  
 3 the resources or the energy to focus on this issue that  
 4 these other issues could suffer.  
 5 Q. Outside of Senate Bill 14, can you recall any  
 6 instances where Texas NAACP resources had to be diverted  
 7 or reallocated on -- because of any other pressing  
 8 matter that arises?  
 9 A. Yes.  
 10 Q. Can you give an example?  
 11 A. Redistricting and that ongoing challenge as  
 12 well.  
 13 Q. Any other examples outside of redistricting  
 14 and voter ID?  
 15 A. Not to my knowledge, no.  
 16 Q. So to the best of your knowledge, the only  
 17 times that significant portions of Texas NAACP resources  
 18 have had to be diverted are in relation to redistricting  
 19 and voter ID?  
 20 MS. RUDD: And I just want to object to  
 21 the extent it calls for information that may be  
 22 predating your time at the NAACP.  
 23 MR. TATUM: Sure.  
 24 A. Right.  
 25 MS. RUDD: It calls for speculation to

89

1 A. It hinders us from being able to fulfill our  
 2 mission as it should be done. So I guess if it's  
 3 hindered or hurt, you're not able to do it, but it's  
 4 hindering and hurting us from --  
 5 Q. (By Mr. Tatum) So is it accurate to say that  
 6 in your opinion Senate Bill 14 has made it -- has made  
 7 the Texas NAACP unable to fulfill its mission to the  
 8 degree that it wants to? Is that what your testimony  
 9 is?  
 10 MS. RUDD: Objection; misstates  
 11 testimony.  
 12 A. I'm saying we are -- the Texas NAACP is not  
 13 able to do all that we would want to do and need to do  
 14 and strive to do and is our purpose to do due to Senate  
 15 Bill 14 and its enactment.  
 16 Q. (By Mr. Tatum) Looking at the complaint  
 17 again -- turn to Page 3. You're on Page 3?  
 18 A. Yes, sir.  
 19 Q. Could you read Paragraph 3(c) for me?  
 20 A. Yes.  
 21 Q. That's C at the top of the page.  
 22 A. "Upon information and belief, the Texas NAACP  
 23 includes members who are registered voters but do not  
 24 possess any of the forms of photo identification  
 25 required by Senate Bill 14 for voting in person on

90

1 election day or in early voting."  
 2 Q. Thank you. Can you tell me what information  
 3 and/or belief this contention is based on?  
 4 MS. RUDD: Objection; calls for a legal  
 5 conclusion. You can answer.  
 6 A. Okay. Well, from -- so I know we've had  
 7 letters at the Brennan Center, I've done -- you look at  
 8 different data -- and I think there's been nationwide  
 9 data and research done that's shown that typically even  
 10 the information that the state had turned over to the  
 11 DOJ in 2011, it showed that there would be a great  
 12 percentage of low income and minority voters who do not  
 13 hold photo ID -- the required forms, I guess, of ID  
 14 required, and so I guess looking at that information and  
 15 that data.

16 MR. TATUM: I don't seem to have a copy  
 17 of the objections to the 30(b)(6) notice on me, but at  
 18 this point I just want to see if I'm clear -- and I'm  
 19 talking to your attorneys now.

20 THE WITNESS: Okay.

21 MR. TATUM: I believe in those objections  
 22 it was stated that the Texas NAACP does not conduct any  
 23 studies of its own or something to that effect.

24 MS. RUDD: Right. I mean, to our  
 25 knowledge, there aren't any, you know, formal analyses

92

1 Q. Do you know how many constituents at the Texas  
 2 NAACP do not possess an acceptable form of ID under  
 3 Senate Bill 14?

4 A. No.

5 Q. Are you able to identify any one constituent  
 6 who does not possess an acceptable form of ID under  
 7 Senate Bill 14?

8 A. Yes.

9 Q. You are able to identify one?

10 A. Yes.

11 Q. By the way, from now on I'm just going to say  
 12 SB 14.

13 A. Fine with me.

14 Q. Okay.

15 A. We're good.

16 Q. I was just looking at this, and I realized he  
 17 was typing out Senate Bill 14 every time, so we'll try  
 18 to limit that.

19 Mr. Banks, do you know how many  
 20 registered voters in Texas do not possess any acceptable  
 21 form of ID under SB 14?

22 A. Off the top of my head, no.

23 Q. Are you able to identify any registered voter  
 24 in Texas who does not possess an acceptable form of ID  
 25 under SB 14?

91

1 or studies done specifically by the Texas State  
 2 Conference of the NAACP that would be relevant to this  
 3 particular issue.

4 MR. TATUM: Okay.

5 THE WITNESS: Right.

6 Q. (By Mr. Tatum) I was going to ask you that,  
 7 but I know that was covered in the objection, so I  
 8 didn't want to --

9 A. I understand.

10 Q. -- retread.

11 Okay. So turning back to this claim  
 12 which says that the Texas NAACP includes members who are  
 13 registered voters but do not possess any of the  
 14 acceptable forms of identification under Senate Bill 14.

15 Do you know how many members of the Texas  
 16 NAACP do not possess an acceptable form of ID under  
 17 Senate Bill 14?

18 A. I would not be able to say, no.

19 Q. You do not know how many?

20 A. No.

21 Q. Are you able to identify one? I don't want  
 22 the actual identity, but are you able to identify one  
 23 member of the Texas NAACP who does not possess an  
 24 acceptable form of ID under Senate Bill 14?

25 A. No.

93

1 A. Yes.

2 Q. Do you know how many Texas NAACP members or  
 3 constituents don't have the documents necessary to  
 4 obtain an acceptable form of ID under SB 14?

5 A. No.

6 Q. Do you know how many Texas registered voters  
 7 don't have the documents necessary to get an acceptable  
 8 form of ID under SB 14?

9 A. Is that the same question? I'm sorry.

10 Q. No, it wasn't.

11 A. Okay.

12 Q. I asked you first about Texas NAACP members  
 13 and constituents. I'm now asking do you know how many  
 14 registered voters in Texas do not have the documents  
 15 necessary to obtain --

16 A. No. I'm sorry. I didn't mean to cut you off.

17 Q. -- to obtain an acceptable form of ID under  
 18 SB 14?

19 A. No, I don't.

20 Q. Do you know how many Texas NAACP members have  
 21 a driver's license?

22 A. No.

23 Q. I can't remember. Is a driver's license or  
 24 any kind of ID like that required to apply for  
 25 membership with the Texas NAACP?

94

1 A. No.  
 2 Q. Do you know how many Texas NAACP members or  
 3 constituents have a state-issued personal ID card?  
 4 A. No.  
 5 Q. A concealed handgun license?  
 6 A. Is that the same --  
 7 Q. I'll just say the question again.  
 8 A. I'm sorry.  
 9 Q. Do you know how many Texas NAACP members or  
 10 constituents have a concealed handgun license?  
 11 A. No.  
 12 Q. Are you aware of any Texas NAACP members or  
 13 constituent that has a concealed handgun license?  
 14 A. Not that I'm aware of, but --  
 15 Q. Do you know how many Texas NAACP members or  
 16 constituents have a passport?  
 17 A. No.  
 18 Q. Are you aware that any of them have a  
 19 passport?  
 20 A. Yes.  
 21 Q. Do you know how many Texas NAACP members or  
 22 constituents have a military identification card with a  
 23 photograph on it?  
 24 A. No.  
 25 Q. Are you aware that any of them have a military

96

1 Texas NAACP.  
 2 A. Do I think EIC should be issued to persons who  
 3 aren't registered to vote?  
 4 Q. (By Mr. Tatum) Yes. The language in this  
 5 complaint says may be issued only to people who are  
 6 already registered to vote or who are registering in  
 7 conjunction with applying for an EIC.  
 8 A. Uh-huh.  
 9 Q. Is it the Texas NAACP's position that an EIC  
 10 should be able to be issued to someone who is not  
 11 registered to vote? In other words, does the Texas  
 12 NAACP think you should be registered to vote to get an  
 13 EIC?  
 14 A. Okay.  
 15 Q. What I'm getting at is that language seems --  
 16 the way it's crafted seems to suggest that the Texas  
 17 NAACP might take issue with the fact that an EIC can  
 18 only be issued to someone who is registered to vote.  
 19 And I'm asking is it the Texas NAACP's contention that  
 20 an EIC should be available to people who are not  
 21 registered to vote?  
 22 MS. RUDD: And I just want to represent  
 23 for the record, you know, Mr. Banks didn't write this  
 24 complaint. So to the extent you know, you can answer  
 25 the question. He may just not know the answer.

95

1 identification card with a photograph on it?  
 2 A. Yes.  
 3 Q. Do you know how many Texas NAACP members or  
 4 constituents have a citizenship certificate with a  
 5 photograph on it?  
 6 A. No.  
 7 Q. Are you aware that any of them have a  
 8 citizenship certificate with a photograph on it?  
 9 A. I am not aware.  
 10 Q. In the document you have in front of you,  
 11 could you please turn to Page 7? I'm reading from  
 12 Paragraph 15. It says, "An EIC" -- which we discussed  
 13 earlier -- "may be obtained only at DPS offices, may be  
 14 issued only to persons who are already registered to  
 15 vote or who are registering in conjunction with applying  
 16 for an EIC." It continues on, "Although no fee is  
 17 charged for an EIC, voters who lack the required  
 18 underlying identification must bear any costs associated  
 19 with obtaining those documents."  
 20 Do you think EIC should be issued to  
 21 people who are not registered to vote?  
 22 MS. RUDD: Are you asking him in his  
 23 personal capacity or as a representative for the Texas  
 24 NAACP?  
 25 MR. TATUM: As a representative of the

97

1 MR. TATUM: Sure.  
 2 A. That's not something that we've talked about,  
 3 so I don't -- I'm not sure -- nothing I've had a  
 4 conversation about, I should say.  
 5 Q. (By Mr. Tatum) Okay. In that same paragraph  
 6 where it says, "voters who lack the required underlying  
 7 identification must bear any costs associated with  
 8 obtaining these documents," what associated costs does  
 9 this claim refer to?  
 10 A. Well, to get your birth certificate, there's a  
 11 cost to obtain that and other documents that you may  
 12 need to get reproduced in order to get your EIC.  
 13 Q. So let's just focus on a birth certificate?  
 14 A. Sure.  
 15 Q. What kind of costs are associated with getting  
 16 a copy of your birth certificate?  
 17 A. I think it's like \$22 is what you would have  
 18 to go -- if you don't have a copy of your birth  
 19 certificate -- if you're from Texas. Now, if you're  
 20 from elsewhere, it can vary. It could be more. It  
 21 could be less. But I know if you're from Texas and you  
 22 need to get a copy of your birth certificate, it's \$22.  
 23 And I think if you were born in the military overseas,  
 24 it's a whole other cost. If you have to go that route,  
 25 it could be more. So there's that financial burden that

98

1 you're putting on somebody that is supposed to be  
2 getting a free document. It's no longer a free  
3 document.  
4 Q. Would the associated costs in that instance --  
5 let's say someone is born in Texas and they have a copy  
6 of their birth certificate that they need to retrieve in  
7 order to get an EIC. Would the associated costs that  
8 you're referring to in this allegation here, would that  
9 include the costs of retrieving that document from --  
10 that birth certificate from your house or wherever it  
11 is? If you don't actually have to pay for a copy.  
12 A. Right. It could also include, though, if you  
13 have to get to a DPS office as well. With not every  
14 county having a DPS office, not every city having a DPS  
15 office, there could be a cost in the burden of getting  
16 to that location.  
17 Having to travel X amount of miles, and  
18 depending where you are, it could be a great deal. And  
19 then depending on even in your urban areas, depending on  
20 the side of town you're on, it could still be a great  
21 deal of money you have to spend to try to get there.  
22 And it also can go with the time off that  
23 you may have to take from work because of the hours of  
24 the DPS offices not being open on weekends and after  
25 6:00. So if you have to take time off to get there, I

99

1 think the average DPS time -- I think I read somewhere  
2 was like three hours or so. It could be more. It could  
3 be less. You know how that works.  
4 Not to mention if you get there and you  
5 think you have everything you need because you looked,  
6 and you go and you give it to them, and they say, "Well,  
7 no, we can't accept that."  
8 Well, now you have to go back home and  
9 come back again. So you look at that cost as well that  
10 they would have to incur just so they can go and vote.  
11 Q. So the associated costs you refer to in that  
12 claim is not necessarily a financial or monetary cost?  
13 MS. RUDD: Objection; misstates  
14 testimony.  
15 A. It encompasses a lot of costs. There is the  
16 financial cost that's going to be there. And time is,  
17 for a lot of them, money. So there's a great deal  
18 amount of cost that a person can incur trying to go and  
19 get this ID.  
20 Q. (By Mr. Tatum) So would you describe that --  
21 in addition to the financial and monetary costs that you  
22 testified to, would you describe those associated costs  
23 as including an opportunity cost? In other words,  
24 you're devoting time towards doing that that could be  
25 spent doing something else?

100

1 A. I would say you're devoting time that could  
2 have been done to you being -- even if you're coming  
3 from a limited income, in that time you would be making  
4 money to help support your family and do what you need  
5 to do, you're losing money during that time.  
6 Q. Okay. On the next page, Page 8, I'm looking  
7 at Paragraph 17, which goes on to Page 9. I want to  
8 focus on the language that says -- when discussing a  
9 provisional ballot.  
10 A. Okay.  
11 Q. It says, "A voter may complete a provisional  
12 ballot at the polls on election day or during early  
13 voting, but the voter's ballot will be counted only if  
14 the voter subsequently presents one of the six forms of  
15 photo identification required by SB 14 to the registrar  
16 within six days after the election."  
17 Is that an accurate reading of that  
18 claim?  
19 A. From where you started, yes.  
20 Q. Okay. Does the Texas NAACP contend that this  
21 six-day requirement or six-day allowance is not enough?  
22 A. Can I read it, the whole thing?  
23 Q. Sure. Take your time. If I may rephrase the  
24 question.  
25 A. Sure. That's fine.

101

1 Q. Does the Texas NAACP take issue with the  
2 amount of time that SB 14 provides for, I guess,  
3 completing a provisional ballot?  
4 A. I would say yes.  
5 Q. The Texas NAACP does take issue with the  
6 amount of time that SB 14 provides?  
7 A. Yes.  
8 Q. Okay. Why?  
9 A. Well, if you're looking at somebody who is  
10 already having difficulty with traveling to get the  
11 necessary IDs to vote, that six days may not be enough  
12 time for them when you have to, once again, take off  
13 from work, if you have to travel a long distance to get  
14 there. They have to try to be able to work that within  
15 their schedule and within the financial hardship that  
16 they may have, because there's nothing in the law that  
17 says they will have, I guess, paid time off to go and  
18 try to rectify this voting issue, so that they would  
19 have to try to figure out in their work schedule, when  
20 can I go, because I went and voted. I wanted to vote.  
21 Now I have to go and do this, but I can't afford to miss  
22 this money that I need to feed my family or take care of  
23 my family. So I may have six days, but if they're not  
24 open on the weekends or open after 6:00, it's running  
25 into how I'm able to go and do that.

102

1 Q. Does the Texas NAACP have a position on how  
2 many days would be more sufficient?  
3 A. Not that I've been told.  
4 Q. Does the Texas NAACP oppose the idea of  
5 allowing a provisional ballot?  
6 A. No.  
7 Q. So the Texas NAACP is fine with a provisional  
8 ballot. They would just like more time than six days in  
9 order to confirm or complete that provisional ballot.  
10 Is that correct?  
11 A. There is not an issue with a provisional  
12 ballot, because you might need to -- things happen, and  
13 you need to do that for that. But I think more time --  
14 more time and some other structural changes would allow  
15 people better opportunity to go and try to fix the issue  
16 that they're having.  
17 Q. And is that position of the Texas NAACP based  
18 on any kind of empirical studies or other data or other  
19 information sources?  
20 A. Not that I'm aware of.  
21 Q. Okay. If you would, please, skip ahead to  
22 Page 13, and take a look at Paragraph 36. Are you  
23 there?  
24 A. I am there.  
25 Q. Okay. For the record, I'm going to read the

104

1 Q. You don't know?  
2 A. I don't know.  
3 Q. To the best of your knowledge, do you know  
4 what the significance is of a percentage of a certain  
5 racial category that lives in an owner-occupied  
6 residence with regard to voter ID requirements?  
7 A. Yeah. I interpret it -- me, my interpretation  
8 of when it's owner occupied, the owner owns the unit.  
9 Q. Sure. And that's how I understand it as well.  
10 But what I'm asking is -- the Texas NAACP is presenting  
11 this information in its claim.  
12 A. Uh-huh.  
13 Q. And what I'm asking is: What is the  
14 significance of demonstrating the various percentages of  
15 various racial categories that live in an owner-occupied  
16 unit?  
17 A. Sure. Well, it shows -- I guess it's a way  
18 you can show income, if you will. If you own the house  
19 you live in, you tend to be doing fairly well. You're  
20 probably middle to upper income, so you're doing fairly  
21 well. You're good. But if you're not -- those who tend  
22 to be lower income or tend to rent, move around a lot.  
23 So I think you're showing that there's a great chance  
24 that these numbers would need assistance -- or may not  
25 have necessarily the forms, the ID, or the money to get

103

1 contents of that paragraph. It says, "According to  
2 2008-2010 ACS," which is the --  
3 MS. RUDD: American Community Survey.  
4 MR. TATUM: Thank you.  
5 Q. (By Mr. Tatum) -- "72 percent of non-Hispanic  
6 white persons reside in an owner-occupied unit compared  
7 to 58 percent of Hispanic persons, 45 percent of  
8 non-Hispanic black persons, and 62 percent of  
9 non-Hispanic Asian persons."  
10 A. Uh-huh.  
11 Q. Is that an accurate reading of that paragraph?  
12 A. I would say yes.  
13 Q. Okay. Are you familiar with the survey  
14 referred to in that allegation?  
15 A. Define "familiar."  
16 Q. Have you read that survey? Have you seen the  
17 2008-2010 American Community Survey yourself?  
18 A. I'm familiar with it, where I've seen it. I  
19 haven't studied it in depth, the whole nine, but I have  
20 seen the survey.  
21 Q. Okay. Based on your knowledge of that survey,  
22 do you know if the figures presented in it represent  
23 Texas citizens, or is that representative of all  
24 Americans?  
25 A. I don't know.

105

1 the different things that's required. So you would be  
2 looking at those who probably need some assistance, some  
3 help, or it could be a burden on them to get the  
4 documents or to get to where they have to go.  
5 Q. Okay. So is it -- is it a reasonable  
6 inference -- let me rephrase that.  
7 A. Sure.  
8 Q. In your opinion, is not owning your residence  
9 an indicator of socioeconomic status?  
10 A. State the question again.  
11 Q. In your opinion, is owning -- is the fact of  
12 whether you own your residence an indicator of your  
13 socioeconomic status?  
14 A. It could be interpreted as one of many  
15 indicators.  
16 Q. Is socioeconomic status one of them?  
17 A. I think we might be having two separate  
18 conversations. I'm sorry. I was saying it could be one  
19 of many indicators to show your socioeconomic status.  
20 Q. Okay. So there are other indicators of  
21 socioeconomic status?  
22 A. Right.  
23 Q. And whether or not you own your residence is  
24 one such indicator?  
25 A. It can be, yes.



106

1 Q. Okay. Is whether or not you own your  
2 residence an indicator of your -- of whether or not you  
3 have an acceptable form of ID under SB 14?  
4 A. Say that again. I'm sorry.  
5 Q. So you previously testified that whether or  
6 not you own your residence is an indicator of  
7 socioeconomic status. Correct?  
8 A. Is one of them.  
9 Q. Is one of?  
10 A. Right.  
11 Q. It is an indicator amongst many?  
12 A. Yes.  
13 Q. Is it an indicator of whether or not you have  
14 an acceptable form of ID under SB 14?  
15 MS. RUDD: Objection; calls for  
16 speculation.  
17 A. Well, whether you own a house or not -- or  
18 whether you have an ID or not -- I don't know. I don't  
19 think I'm following -- ask your question one more time.  
20 Q. (By Mr. Tatum) Sure.  
21 A. See if I can --  
22 Q. Sure. Let me state it another way.  
23 A. Sure.  
24 Q. Is whether or not you own your residence an  
25 indicator of your ability to obtain an acceptable form

108

1 indicator of socioeconomic status --  
2 A. Right.  
3 Q. -- or you've already testified to that. What  
4 I'm wondering is if it's an indicator of anything else  
5 related to SB 14 and the claims made by the Texas NAACP  
6 in this lawsuit.  
7 MS. RUDD: Objection; form.  
8 A. Okay.  
9 Q. (By Mr. Tatum) I'm trying to gauge the  
10 significance of this data.  
11 A. Right.  
12 Q. And I'm just asking you to give your opinion  
13 as to the significance of this data.  
14 MS. RUDD: And I'm objecting to form.  
15 A. I would say, yeah, I guess you could look at  
16 it to say that they would probably have an ID.  
17 Q. (By Mr. Tatum) That someone who owns their  
18 residence is more likely to have an ID -- an acceptable  
19 form of ID than someone who doesn't?  
20 A. There's a greater chance.  
21 Q. I'm sorry?  
22 A. There's a greater chance.  
23 Q. Okay. I think we finally got there.  
24 A. Sorry.  
25 Q. That's okay. That's on my end.

107

1 of ID required to vote under current law in the state of  
2 Texas?  
3 MS. RUDD: Same objection.  
4 Q. (By Mr. Tatum) In other words, if you're  
5 trying to determine who has the ability to obtain an  
6 acceptable form of ID to vote, might you look at whether  
7 or not they own their residence --  
8 MS. RUDD: Objection; form.  
9 Q. (By Mr. Tatum) -- to make that determination?  
10 MR. TATUM: I'm sorry. I talked over  
11 you, Amy. What was the objection?  
12 MS. RUDD: Just form.  
13 A. Isn't that the same question just asked a  
14 different way?  
15 Q. (By Mr. Tatum) It was.  
16 A. No. I meant the previous question that you  
17 asked me, that --  
18 Q. Okay. Let me try to bottle this up and move  
19 on.  
20 A. Sure.  
21 Q. Okay. This paragraph presents data about  
22 showing the percentage of various racial categories that  
23 own the residence that they live in.  
24 A. Uh-huh.  
25 Q. We've already established that it's an

109

1 Okay. Do you know if this study took  
2 into account students -- college students?  
3 A. I'm not aware.  
4 Q. Do you know if this survey included only  
5 voting age citizens?  
6 A. I am not aware.  
7 Q. Do you know if it included citizens of all  
8 ages, including infants, minor children, the disabled,  
9 or the elderly?  
10 A. I am not aware.  
11 Q. Okay.  
12 MR. TATUM: 30 more minutes?  
13 MS. RUDD: That's fine.  
14 Q. (By Mr. Tatum) Okay. I'm now going to be  
15 asking you some questions related to the number of  
16 paragraphs that appear under Subsection E, titled  
17 "SB 14's effect on minority citizens in Texas."  
18 A. Sure.  
19 Q. That begins on Page 14 at the bottom. Does  
20 the Texas NAACP contend that minority citizens are less  
21 likely than a white citizen to have an acceptable form  
22 of ID under SB 14?  
23 A. Yes.  
24 Q. And what is that contention based on?  
25 A. Well, it's based on -- once again, you looked

110

1 at the data that was turned over in the letter from the  
 2 Brennan Center, when you look at the ACS data and you  
 3 see how, in Texas, minorities -- or African-Americans  
 4 and minorities, they tend to be -- they more likely tend  
 5 to be lower income.  
 6 And you look to see how they would be  
 7 affected most by the bill, be able to get the documents  
 8 or get to the locations to get the ID or be able to  
 9 afford the ID, then they will be impacted more greatly.

10 Q. So you mentioned that --

11 A. Or greater.

12 Q. Sorry.

13 A. No. I was correcting my grammar. I'm sorry.

14 Q. So you mentioned the data that was included in  
 15 the letter from the Brennan Center for Justice?

16 A. Right.

17 Q. Do you recall specifically what letter that  
 18 was? I'm sure it's been produced, but I'm just  
 19 wondering --

20 A. I think it was the first one they sent, I  
 21 think.

22 Q. Okay. And you also mentioned the ACS survey  
 23 that we just talked about?

24 A. Correct.

25 Q. Okay. Is that contention based on any other

112

1 are people who lack the acceptable ID and who encounter  
 2 burdens in obtaining the required ID, and among that  
 3 subset of people, there are more Latinos and  
 4 African-Americans than there are white citizens? Is  
 5 that correct?

6 MS. RUDD: Objection; form.

7 A. Could you rephrase it?

8 Q. (By Mr. Tatum) Sure. Is it an accurate  
 9 summary of the claim made in Paragraph 43 that there are  
 10 people in Texas who lack acceptable ID to vote, and who  
 11 encounter burdens in obtaining the required ID, and,  
 12 among that subset of people, there are more Latinos and  
 13 African-American citizens than there are white citizens?

14 MS. RUDD: Same objection.

15 Q. (By Mr. Tatum) Is that an accurate summary of  
 16 that claim?

17 A. Can I read it?

18 Q. Sure.

19 MS. RUDD: I'm also going to object that  
 20 it mischaracterizes the document.

21 Q. (By Mr. Tatum) I'll tell you what. I'll  
 22 retract that question.

23 A. Okay.

24 Q. Let me present another one.

25 A. Sure.

111

1 studies or data sources to your knowledge?

2 A. Besides what's in the complaint?

3 Q. Yeah. Is there anything else out there upon  
 4 which that claim is based?

5 MS. RUDD: Are you talking about --  
 6 sorry. Just to clarify, are you talking about studies  
 7 or data sources?

8 MR. TATUM: I'm talking about both.

9 MS. RUDD: Okay.

10 Q. (By Mr. Tatum) I see you're searching through  
 11 the complaint. I'm talking about anything that's not in  
 12 this complaint.

13 A. Not in the complaint? Off the top of my head  
 14 right now, I cannot recall.

15 Q. Okay. Focusing now on Paragraph 43 on the  
 16 next page, Page 14.

17 A. Okay.

18 Q. Does the Texas NAACP contend that among those  
 19 who lack the acceptable forms of photo ID required by  
 20 SB 14, the Latino and African-American citizens who  
 21 encounter substantial burdens in obtaining the required  
 22 ID are significantly higher than percentage of white  
 23 citizens who encounter such burdens?

24 A. Yes.

25 Q. Okay. So am I correct in saying that there

113

1 Q. Does the Texas NAACP contend that minority  
 2 citizens are less likely to be able to obtain a form of  
 3 acceptable ID required by SB 14 than white citizens?

4 A. Yes.

5 Q. Okay. What is that contention based upon?

6 A. Well, once again, from the previous data that  
 7 has shown that minorities in Texas tend to be lower  
 8 income, that they will have trouble obtaining the  
 9 documents or getting to where they need to to get the  
 10 ID.

11 Q. Has the Texas NAACP conducted any efforts to  
 12 confirm that data?

13 Let me rephrase that.

14 A. Sure.

15 Q. You say that this claim is based upon data,  
 16 surveys --

17 A. Right.

18 Q. -- the universe of information that has been  
 19 presented in this case.

20 A. Yes.

21 Q. And this claim is drawn from that data.  
 22 Correct?

23 A. Yes.

24 Q. Has the Texas NAACP done anything to test that  
 25 conclusion "in the field," meaning in practice? Is



114

1 there anything the Texas NAACP can point to that  
 2 confirms that minority citizens are less likely to be  
 3 able to obtain a form of ID required by Senate Bill 14  
 4 than white citizens?  
 5 A. I guess people knowing their communities and  
 6 knowing the makeup of their communities, and, you know,  
 7 like here in Austin, where the people are doing well,  
 8 over on the west side, people are struggling, maybe,  
 9 more on the east side, northeast, what have you. You  
 10 have the people that know their communities and know  
 11 their -- the makeup of their communities.  
 12 And so by knowing your population base  
 13 and knowing where they are, you can get a feel and say,  
 14 "Yeah, this is -- this is right."  
 15 But I think the ACS data is pretty solid.  
 16 It's done by the federal government, the Census Bureau,  
 17 so you -- it's pretty solid in what they say and know,  
 18 so there's not much reason to -- not much reason to  
 19 doubt the data that they're putting out there, saying,  
 20 "Well, that can't be true."  
 21 So I guess as far as in the field  
 22 surveying or anything, no. But people knowing their  
 23 community, who have been in their community for a very  
 24 long time, and you can talk to them and say, "Well, you  
 25 know, how is your area? How is your neck of the woods?"

116

1 You know, these areas -- you know from that, I guess.  
 2 Q. All right. The same page, Page 14, the next  
 3 paragraph, Paragraph 43, the sentence that starts about  
 4 midway through that paragraph reads, "As a result of  
 5 these differential burdens, the racial impact reflected  
 6 in the current photo ID ownership rates is not being  
 7 mitigated and will not be mitigated by the possibility  
 8 that Texas citizens without the required photo ID may  
 9 obtain such photo ID in the future."  
 10 Is that an accurate reading of that  
 11 sentence?  
 12 A. Yes.  
 13 Q. Okay. Do you think you can kind of explain to  
 14 me what that sentence means?  
 15 MS. RUDD: Objection; calls for  
 16 speculation in that he didn't draft this document.  
 17 Q. (By Mr. Tatum) Obviously you didn't write it.  
 18 I don't necessarily understand what that sentence means,  
 19 and I'm wondering if you can tell me.  
 20 And let me start by asking: What do you  
 21 think it means by "differential burdens"?  
 22 A. Let me read the previous paragraph, since  
 23 it's --  
 24 Q. Sure. Take your time.  
 25 A. Okay. So your question is, I guess --

115

1 How is your city?"  
 2 You can know from conversations with  
 3 them.  
 4 Q. So the Texas NAACP, at the local branch level  
 5 or local community level, is able to gauge from  
 6 conversations with members of the community, from just  
 7 generally knowing the people within it, they're able to  
 8 gauge the ability to obtain a proper form of ID under  
 9 SB 14. Is that correct?  
 10 A. No, that's not what I was saying.  
 11 Q. Okay.  
 12 A. What I was saying is that as far as you asking  
 13 if this claim about minorities being more the  
 14 socioeconomic -- and having those issues, when you know  
 15 your area and your environment, then you know who --  
 16 where your lower income areas are and who may need  
 17 assistance more, who may have difficulties.  
 18 And, you know, places like I think  
 19 Presidio -- is that how you say it? Presidio? There's  
 20 a city down in The Valley. I'm sure I'm messing the  
 21 name up.  
 22 Q. Presidio?  
 23 A. Presidio. Thank you. You know, they have to  
 24 travel -- I think it was, like, 60 miles to the nearest  
 25 DPS -- one way, I think is what it was, to get their.

117

1 Q. What my question is -- and maybe I should just  
 2 move on from this. Maybe this is something we can  
 3 address later.  
 4 Just reading that sentence, to me, I'm  
 5 not sure I understand what point it's making, and I'm  
 6 wondering if you do.  
 7 A. So your differential burdens, I think, were --  
 8 or are -- some of them are, one, the cost. The  
 9 financial cost that's going to be there with getting the  
 10 documents needed, travel to said location if they have  
 11 to travel long distances, and they typically may not  
 12 have a personal car of their own, so they have to  
 13 either, you know, try to catch a bus or find money to  
 14 try to maybe pay somebody and carpool there and back.  
 15 Q. Right.  
 16 A. So you have that significant burden as well.  
 17 You have -- once again, you have to take time off from  
 18 work to do this, and not to mention that if they have to  
 19 go and do a provisional ballot, they now have to try to  
 20 do this again.  
 21 I think those are just some of the  
 22 burdens it's talking about, just --  
 23 Q. Okay. And so does Texas NAACP contend that  
 24 those burdens impact minority citizens differently than  
 25 nonminority citizens?

118

1 A. It's going to have a greater impact --  
 2 Q. Okay.  
 3 A. -- is what we're saying, that they will be  
 4 impacted greater and disproportionately because of, as  
 5 stated earlier, looking at the ACS data and the  
 6 different reports, how they tend to be your lower  
 7 income.  
 8 Q. Okay.  
 9 A. It's going to have a greater impact on them.  
 10 Q. Okay. The disparate impact --  
 11 A. Right.  
 12 Q. -- is referenced a lot.  
 13 A. Yes.  
 14 Q. Okay. So that disparate impact, still  
 15 focusing on this sentence --  
 16 A. Okay.  
 17 Q. -- will not be mitigated by the possibility  
 18 that citizens without the required ID may obtain that ID  
 19 in the future. Is that correct?  
 20 MS. RUDD: I'm just going to object that  
 21 it misstates the document.  
 22 A. I guess define "mitigated."  
 23 Q. (By Mr. Tatum) It will lessen the -- it will  
 24 lessen the differential impact -- the disparate impact.  
 25 It'll lessen the degree of harm.

120

1 Q. Okay.  
 2 A. Okay. Could you repeat your question?  
 3 Q. Sure. Does a member of a minority group who  
 4 is also of low socioeconomic status face more of a  
 5 burden in obtaining an acceptable form of ID than a  
 6 white person of similar socioeconomic status?  
 7 MS. RUDD: Objection; calls for  
 8 speculation.  
 9 A. My understanding of this is that's not what  
 10 it's -- what we're saying. We're saying that the  
 11 minority groups in terms of the Latino and  
 12 African-American community tend to be more lower income,  
 13 and -- lower income compared with their Angelo  
 14 counterparts. And then so they -- so that group would  
 15 tend to have a harder type -- or have a bigger burden, I  
 16 guess I should say --  
 17 Q. (By Mr. Tatum) Okay.  
 18 A. -- in obtaining the ID -- or the documents  
 19 needed to get the ID.  
 20 Q. Okay. So would the Texas NAACP agree that a  
 21 minority citizen of low economic status and a white  
 22 citizen of similarly low socioeconomic status would have  
 23 the same burden -- would most likely share the same  
 24 burden in obtaining an acceptable form of ID?  
 25 MS. RUDD: Objection; calls for

119

1 I guess, I should just move on from this,  
 2 so --  
 3 A. Not a problem.  
 4 Q. -- we'll move on.  
 5 The next paragraph is talking about  
 6 differential burdens again. I think I understand what  
 7 that means. Paragraph 44 says, "The differential  
 8 burdens, by race, alleged in the previous paragraph  
 9 arise because Latino and African-American citizens  
 10 disproportionately have a low socioeconomic status  
 11 compared to white citizens, and because it is  
 12 substantially more burdensome for persons with a low  
 13 socioeconomic status to obtain any of the forms of photo  
 14 identification required by SB 14."  
 15 Is that an accurate reading of that  
 16 claim?  
 17 A. That is.  
 18 Q. Okay. Does the Texas NAACP contend that a  
 19 member of a minority group who is also of low  
 20 socioeconomic status faces more of a burden in obtaining  
 21 the acceptable forms of ID under SB 14 than a white  
 22 person of similar socioeconomic status?  
 23 And if you like, I can repeat the  
 24 question.  
 25 A. Let me re-read it, and then I'll have you --

121

1 speculation.  
 2 A. Yes.  
 3 Q. (By Mr. Tatum) Okay. Do these burdens that  
 4 we just talked about, do they exist with regard to  
 5 obtaining a voter registration card?  
 6 A. How do you mean?  
 7 Q. You talk about the burdens of obtaining an  
 8 acceptable form of ID under SB 14.  
 9 A. Uh-huh.  
 10 Q. Do those same burdens exist with regard to  
 11 getting a voter registration card?  
 12 MS. RUDD: Objection; calls for  
 13 speculation.  
 14 A. I guess it would depend on where you live. A  
 15 lot of people depend on trying to do it at the DPS or  
 16 what have you, and you don't have a DPS office in your  
 17 community, then it would be up to whoever is doing that  
 18 outreach or to -- I think it would depend on where  
 19 you're located.  
 20 Q. (By Mr. Tatum) Okay. Does the Texas NAACP  
 21 contend that SB 14 amounts to a poll tax?  
 22 A. Yes.  
 23 Q. Can you tell me why?  
 24 A. Fees associated with obtaining the documents  
 25 or the ID or if -- or getting to where you need to get

122

1 to -- to get your ID if you have to do it -- once again,  
 2 Presidio. If you have to travel 60 miles to get the  
 3 free ID, let alone the one you have to pay for, but you  
 4 also have to pay for your birth certificate and other  
 5 forms to go get this document to vote, you are having to  
 6 pay to vote.

7 In order to vote, you have to put the  
 8 money out there to be able to participate, and that  
 9 could be considered a poll tax.

10 Q. So to the extent that the Texas NAACP contends  
 11 that SB 14 amounts to a poll tax, does it contend that  
 12 it amounts to a poll tax for all registered voters in  
 13 Texas?

14 A. No. Well --

15 MS. RUDD: If you know.

16 A. I'm not sure. I don't know.

17 Q. (By Mr. Tatum) You're not sure?

18 A. I don't know, I guess, what our stance on that  
 19 is.

20 Q. Okay.

21 MR. TATUM: Just a few more minutes, if  
 22 that's okay, and then we'll take a break.

23 MS. RUDD: That's fine.

24 Q. (By Mr. Tatum) Now, Paragraph 46, the same  
 25 page, Page 15 -- maybe it's the next page. Either way,

124

1 Q. (By Mr. Tatum) Okay. So regarding the Texas  
 2 NAACP's allegation that SB 14 results in a racially  
 3 disparate and negative impact, it's the Texas NAACP's  
 4 contention that Texas election officials are not doing  
 5 enough to mitigate that impact. Is that correct?

6 A. Correct.

7 Q. Okay. And you testified that's based on the  
 8 money that they're spending to educate citizens  
 9 regarding SB 14. Is that an accurate summarization of  
 10 your testimony?

11 A. No, I wouldn't say it was just the money, but  
 12 also the means and the ways they get out to inform those  
 13 who are in the lower income areas.

14 Q. Okay.

15 A. It's not just about the money, but it's the  
 16 outreach --

17 Q. Okay. Outreach.

18 A. -- the access, the communication with them.

19 Q. Okay. What would the Texas NAACP contend  
 20 would be actions that would mitigate such disparate  
 21 impact?

22 MS. RUDD: Objection; form, calls for  
 23 speculation, irrelevant.

24 A. Could you rephrase the question?

25 Q. (By Mr. Tatum) Sure. In Paragraph 46, the

123

1 Page 15, Paragraph 46 states, "The actions of Texas  
 2 election officials to publicize the photo identification  
 3 requirements of SB 14 do not, and will not, mitigate the  
 4 racially disparate and negative impact of these  
 5 requirements."

6 Is that an accurate reading of that  
 7 claim?

8 A. Yes.

9 Q. What actions of Texas election officials does  
 10 that claim refer to?

11 MS. RUDD: Objection; calls for  
 12 speculation.

13 A. So you can look at, you know, how much money  
 14 are they putting behind getting the information out  
 15 there. Are they properly funding to ensure everybody  
 16 knows about it or knows what they need? And the way  
 17 they are doing it, is it done in a way that people who  
 18 may not be online or may not have the digital  
 19 connection, the internet connection that they think most  
 20 people have -- you know, are they hitting all the  
 21 sources and all the ways that these people get their  
 22 information, or are they only going certain ways and  
 23 saying, "Well, it's cost. It's cost. Well, we only  
 24 have X amount of money. Here's what we're going to do,"  
 25 and leave it at that?

125

1 Texas NAACP is claiming that the actions of Texas  
 2 election officials do not and will not mitigate the  
 3 racially disparate and negative impact of the  
 4 requirements of SB 14?

5 A. Uh-huh.

6 Q. I'm asking if the Texas NAACP knows what  
 7 actions would mitigate the racially disparate and  
 8 negative impact of these requirements. In other words,  
 9 the Texas NAACP appears to have an opinion of what's not  
 10 doing enough. What I want to know is: What does the  
 11 Texas NAACP think would be enough, if anything?

12 A. Sure.

13 MS. RUDD: Same objection.

14 A. When you look at outreach, it's the avenues  
 15 that those in the minority community tend to look at and  
 16 use a lot -- and I'll stick with the African-American  
 17 community right now. And so you have, I guess -- we  
 18 have the African-American press, which we use a lot for  
 19 what we -- whenever we do anything, we make sure the  
 20 African-American press is included.

21 And it's -- for outreach, we make sure  
 22 it's in their papers, because those are spread out a lot  
 23 in the communities. Folks can grab them and read them.  
 24 I read them all the time. When I do my radio show, I  
 25 grab them and read them.

126

1 So it's using the forms of  
 2 African-American Publishers Association, the  
 3 African-American press, whether it's out being in the  
 4 community itself. And that just -- you know, so I put a  
 5 billboard up somewhere, and that's it, or what have you.  
 6 But actually having people there in the community at  
 7 community events, churches, what have you, but actually  
 8 having folks there saying, "Hey, that is what you need  
 9 to know," and just going out with the outreach.  
 10 Q. (By Mr. Tatum) You mentioned -- did I hear  
 11 you say that you have a radio show?  
 12 A. I do.  
 13 Q. You conduct a radio show yourself?  
 14 A. Yes.  
 15 Q. How long have you been doing that?  
 16 A. Years. I don't remember off the top of my  
 17 head.  
 18 Q. What station is that radio show on?  
 19 A. KAZI, 88.7.  
 20 Q. FM?  
 21 A. Yes.  
 22 Q. What kind of things do you talk about on your  
 23 radio show?  
 24 A. Any and everything. There is no one specific  
 25 topic or issue.

128

1 If you're not outreaching -- or reaching  
 2 out to that community, the outreach has not been where  
 3 it needs to be, if you're not properly funding the  
 4 outreach, properly funding information out there, then  
 5 that will be a problem.  
 6 Just saying it's up on, you know, the  
 7 Secretary of State's website, that's not enough, because  
 8 not everybody has a computer, and there are people who  
 9 don't have smartphones, who still use a basic flip  
 10 phone. So they don't have that interpret access. So  
 11 just saying, "The information is out there on the web,  
 12 and you can go look it up," it doesn't serve everybody.  
 13 And whether they see where you put it or  
 14 not, it could be a problem in itself.  
 15 Q. All right. Last question before we take a  
 16 break. Paragraph 48 on Page 16 states, "Upon  
 17 information and belief, there also are hundreds of  
 18 thousands of registered voters in Texas who," continuing  
 19 on, "will not have their name" -- hold on a second. Let  
 20 me start over.  
 21 A. Sure.  
 22 Q. I lost my place here. Okay. The last few  
 23 lines of Paragraph 48 is what I want to focus on. It  
 24 says, "Being subject to this discretion by election  
 25 officials will result in the application of differential

127

1 Q. Sports?  
 2 A. I've covered sports.  
 3 Q. Current events?  
 4 A. We've done current events.  
 5 Q. Politics?  
 6 A. We've covered politics, yes.  
 7 Q. Have you ever discussed Senate Bill 14 on your  
 8 radio show?  
 9 MS. RUDD: I'm just going to object to  
 10 this line of questioning. It's well outside the  
 11 30(b)(6) topics. But you can answer.  
 12 A. Yes.  
 13 Q. (By Mr. Tatum) Do a lot of your members and  
 14 constituents listen to your radio show?  
 15 A. I have no idea. I'm not familiar with the --  
 16 Q. Okay. Is that a daily --  
 17 A. No.  
 18 Q. Does the Texas NAACP contend that minority  
 19 citizens are less likely to be appropriately educated  
 20 about the change in requirements for voting?  
 21 A. Yes.  
 22 Q. And what is that contention based on?  
 23 A. Well, that goes back to -- that's  
 24 Paragraph 46, when we say, "The actions of Texas  
 25 election officials to publicize the requirements."

129

1 standards that disproportionately disadvantage Latino  
 2 and African-American voters as compared to the white  
 3 voters."  
 4 Is that an accurate reading of that  
 5 statement?  
 6 A. Of that part, yes.  
 7 Q. Okay. Does the Texas NAACP contend that  
 8 minority citizens are more likely to fall victim to the  
 9 discretionary application of existing laws?  
 10 A. Can I read the whole thing?  
 11 Q. Yes.  
 12 A. Okay. What was your question now?  
 13 Q. I'll repeat the question. The question was:  
 14 Does the Texas NAACP contend that minority citizens are  
 15 more likely to fall victim to the discretionary  
 16 application of existing laws?  
 17 A. Yes.  
 18 Q. And what is that contention based on?  
 19 A. Well, I guess you would look at it as so if  
 20 they decided their names are not substantially similar  
 21 for whatever reason and they have to go and, I guess,  
 22 rectify the issue, go back and -- so they have to do a  
 23 provisional ballot, and they have to go back to rectify  
 24 it, if these are the -- still looking at -- it, more  
 25 than likely, would be the same low-income folks who have

130

1 to do different kind of travel and take time off from  
2 work and move around, it would affect them with could  
3 they make it back to where they need to go in that  
4 six-day period to cure or rectify that issue to show  
5 proof that they are who they said they were.

6 Whether it's once again having to take --  
7 find the money to get to where they've got to get to or,  
8 you know, take time off from work to go to where they  
9 have to go, you know, at what cost -- what burden is now  
10 being put on them financially speaking to have to  
11 rectify this problem? So would they go back to fix it,  
12 or would they say, "Well, I can't afford to take time  
13 off again after I just took that time off to go and get  
14 the documents that I thought I could use to vote, and  
15 somebody decides differently, and now I have to take  
16 time off again?"

17 They may not be able to afford to.

18 Q. Okay. I think you're talking more about the  
19 differential burdens we've gone over before.

20 A. Uh-huh.

21 Q. What I'm focusing on with this question is the  
22 discretionary application of existing law. And focusing  
23 on Paragraph 48 in the complaint, it talks about how an  
24 election official decides whether or not a name is  
25 substantially similar to a name that's on a voter

132

1 process.

2 Q. Right. But --

3 A. So you can look at those names or the  
4 different names that you will have out there, and you  
5 leave it up to somebody to say, "I don't think this  
6 matches exactly because it's not a more traditional  
7 name," if you will.

8 Q. Okay. So this allegation kind of gets toward  
9 the kinds of names that minority citizens tend to have  
10 as compared with nonminority citizens. Is that correct?

11 MS. RUDD: Objection; misstates testimony  
12 and misstates the document.

13 A. I would say that it gets to the spellings and  
14 you're leaving it up to somebody to decide, you know,  
15 how your name looks or is. Back in the '09 hearing, we  
16 had the State Rep who mentioned to the young Asian man  
17 who was testifying, "Why don't you have your people  
18 Americanize their names so it's something that we can  
19 understand?"

20 You're leaving it up to the discretion of  
21 somebody who can turn them away.

22 Q. (By Mr. Tatum) So is this claim based on the  
23 statement of that Representative in 2009?

24 MS. RUDD: Objection; misstates  
25 testimony.

131

1 registration card.

2 A. Uh-huh.

3 Q. And I gleaned from this claim -- and I believe  
4 you answered affirmatively -- that the Texas NAACP  
5 contends that minority citizens are more likely to,  
6 quote, fall victim to the discretionary application of  
7 these laws than white citizens.

8 A. Correct.

9 Q. And what I want to know is why.

10 A. Well, you can also look at so -- you have  
11 instances where the names could be different, I guess,  
12 if you will.

13 Q. Right.

14 A. And so you're leaving it up to somebody to  
15 say, "Well" -- even on my ID, I'm missing an E off my  
16 middle name, which, you know, is long. And so somebody  
17 could say, "Hey, you're missing a letter. I don't think  
18 you are who you say you are," or what have you, or you  
19 have somebody who has become a citizen, but their name  
20 is a little different, and they can decide that, you  
21 know, your name doesn't match how -- or you're leaving  
22 it up to the discretion of somebody trying to decide and  
23 say, "Yeah, this is not who you say you are. You're not  
24 who you're claiming to be," and they can be given a  
25 provisional ballot, and they have to go through that

133

1 A. I'm not saying it's based off that claim.

2 That's just an example of --

3 Q. (By Mr. Tatum) Okay.

4 A. -- what has been said and what could happen.

5 Q. So is it more because a minority citizen is  
6 more likely to have an "unusual name" than a nonminority  
7 citizen?

8 MS. RUDD: Objection; misstates  
9 testimony, form.

10 A. It's more of issues that they could run into  
11 when trying to vote when you leave discretion up to  
12 somebody to say, "You know what, I don't think your name  
13 matches because you're missing this letter or you don't  
14 have this," or -- so it's with the discretion being out  
15 there where somebody can decide if it's substantially  
16 similar.

17 Q. (By Mr. Tatum) Okay.

18 A. And it's just leaving it up to somebody where  
19 there's no guidelines to say, "Hey, is this one  
20 substantially similar?"

21 I mean, it's your discretion, your  
22 decision of, "I don't think this is what it is, and" --

23 Q. Okay. So does Texas NAACP contend that Texas  
24 election officials do or will treat minority citizens  
25 differently than nonminority citizens when it comes to



134

1 confirming the name that's on a photo identification  
 2 with the name that's on a voter registration card?  
 3 A. State the question again.  
 4 Q. Okay. In the process of confirming whether a  
 5 name on a photo identification is the same name as the  
 6 one that's on a voter registration card --  
 7 A. Uh-huh.  
 8 Q. In that process, if there is a disparity and  
 9 it's up to the election official to determine whether  
 10 the names are substantially similar or not --  
 11 A. Uh-huh.  
 12 Q. -- does the Texas NAACP contend that in that  
 13 process -- in the exercise of that discretionary  
 14 process, a Texas election official will treat a minority  
 15 citizen differently than a nonminority citizen?  
 16 A. We are saying that basically what has been  
 17 written by -- in the complaint by the lawyers that,  
 18 yeah, if an election official decides the name is  
 19 substantially similar and upon information and belief  
 20 being subject to this discretion --  
 21 THE REPORTER: I'm sorry, guys. When you  
 22 read, you've got to slow down for me.  
 23 THE WITNESS: Sorry.  
 24 THE REPORTER: I can't keep up with that.  
 25 Sorry.

136

1 vote?  
 2 A. It makes it -- it has the potential to make it  
 3 impossible for some to vote, yes.  
 4 Q. It has the potential?  
 5 A. Yes.  
 6 Q. Okay.  
 7 (Exhibit No. 4 marked)  
 8 Q. (By Mr. Tatum) I'm handing you what's been  
 9 marked as Exhibit 4. Mr. Banks, do you recognize that  
 10 document?  
 11 A. I do.  
 12 Q. And what is it?  
 13 A. It is Senate Bill 14.  
 14 Q. Have you seen this document before? Well,  
 15 obviously you do recognize it. Have you read this  
 16 document before?  
 17 A. I have.  
 18 Q. Okay. Could you point to me what parts --  
 19 specific parts of this bill deny or abridge a person's  
 20 right to vote on account of race or membership in a  
 21 language minority group?  
 22 MS. RUDD: Objection; form.  
 23 A. Could you restate the question?  
 24 Q. (By Mr. Tatum) Sure. You have in front of  
 25 you the text of Senate Bill 14 enacted during the 2011

135

1 Q. (By Mr. Tatum) Let me just -- you would defer  
 2 to what's written in the complaint?  
 3 A. I would.  
 4 MR. TATUM: Okay. I'm hungry. Can we go  
 5 off the record?  
 6 MS. RUDD: Sure.  
 7 (Recess from 12:42 p.m. to 1:21 p.m.)  
 8 MR. TATUM: We're back on the record.  
 9 Q. (By Mr. Tatum) Mr. Banks, does the Texas  
 10 NAACP contend that the requirements of SB 14 constitute  
 11 a prerequisite to voting that will deny and abridge the  
 12 right to vote on account of race or membership in a  
 13 language minority group?  
 14 A. Yes.  
 15 Q. What is that based on?  
 16 A. They would have to have the necessary document  
 17 or ID in order to vote, and the barriers that we  
 18 discussed earlier will create -- the barrier, I guess,  
 19 if you will -- create the prerequisite that you're  
 20 mentioning. And from the information we've provided in  
 21 the complaint and other documents showing how they will  
 22 have trouble and difficulties obtaining voter ID or the  
 23 documents needed to get the requisite ID or required ID.  
 24 Q. Okay. Does the Texas NAACP contend that the  
 25 requirements of SB 14 make it impossible for anyone to

137

1 Texas Legislature. I'm wondering if you could -- you've  
 2 stated that the Texas NAACP is contending that SB 14  
 3 constitutes a prerequisite to voting that will deny and  
 4 abridge the right to vote on account of race or  
 5 membership in a language minority group.  
 6 A. Sure.  
 7 Q. What I'm asking is: With Senate Bill 14 in  
 8 front of you, can you point to the parts of Senate  
 9 Bill 14 that deny or abridge the right to vote on  
 10 account of race or membership in a language minority  
 11 group?  
 12 MS. RUDD: Same objection.  
 13 A. Well, you have to look at it -- well, it may  
 14 not specifically or just flat out outright say it in the  
 15 bill, but when you look at the data and the information  
 16 that we've presented that shows the harm that it will  
 17 have on these groups, then you will have that happen.  
 18 It doesn't specifically say it in the bill, of course,  
 19 but when you look at the totality of it all and say,  
 20 "Well, this will be an issue. This will be an issue.  
 21 This will be an issue because of this, that, and the  
 22 other," then --  
 23 Q. (By Mr. Tatum) And when you refer to the  
 24 totality of it all, what is encapsulated in the totality  
 25 of it all?

138

1 A. Sure. When you look at how the data has  
2 shown -- the data that we presented shows that racial  
3 minorities, language minorities, they tend to be lower  
4 socioeconomic areas, the struggles that they will have  
5 to, one, travel to get the ID, whether it's having to go  
6 to the DPS office or have your -- having to pay for the  
7 documents needed to get the ID, then -- and you look at  
8 the requirements they have and say, "Well, of the six  
9 IDs that you list, you know, there's a great chance they  
10 won't have any of the six," and if they try to get the  
11 free one -- or they want to go get the free one, do they  
12 have the necessary funds, transportation, ability to go  
13 and get them? Then you're setting up the prerequisites  
14 for them having trouble to be able to vote.  
15 Q. So does Texas NAACP contend that SB 14 does  
16 not, per se, deny or abridge the right to vote, but it  
17 results in a denial or abridgment of the right to vote?  
18 MS. RUDD: Objection; misstates the  
19 complaint in this case, misstates prior testimony, form.  
20 A. Ask the question again.  
21 Q. (By Mr. Tatum) Sure. Is the Texas NAACP  
22 contending that SB 14, when considered in the totality  
23 of circumstances that you described, leads to or results  
24 in a denial or abridgment of the right to vote?  
25 MS. RUDD: Wait. Go ahead.

140

1 voluntarily?  
2 A. Yes.  
3 Q. In other words, there's no punishment if you  
4 do not vote?  
5 A. Correct.  
6 Q. Let me clarify that. There's no punishment  
7 imposed by law if you do not vote?  
8 A. Correct.  
9 Q. Okay. So would you agree that a voter, if  
10 it's a voluntary exercise of that right for which  
11 there's no punishment if that right is not exercised,  
12 would you agree that a voter must always choose between  
13 voting and doing something else with their time?  
14 MS. RUDD: Objection; form, calls for  
15 speculation, vague and ambiguous.  
16 A. Could you restate your question, please?  
17 Q. (By Mr. Tatum) Sure. We've established that  
18 voting is voluntary.  
19 A. Yes.  
20 Q. It's a voluntary exercise of a right.  
21 Correct?  
22 A. Yes.  
23 Q. Okay. The Texas NAACP contends that SB 14  
24 forces voters to choose between voting and other uses of  
25 their limited time and resources. Correct?

139

1 A. We're saying that Senate Bill 14 will have a  
2 harmful impact on minorities by setting up the barriers  
3 that it has for them to be able to participate in  
4 voting, whether it's from the forms of ID or the  
5 documents that they are going to need to have to get the  
6 forms of ID, it will be difficult for them to -- make  
7 it, for some, impossible to go out and vote.  
8 Q. (By Mr. Tatum) Does Texas NAACP contend that  
9 SB 14 forces eligible voters to choose between voting  
10 and other uses of their limited time and resources?  
11 A. Yes.  
12 Q. And I believe you've already covered why and  
13 what that contention is based upon.  
14 A. Yes.  
15 Q. My next question is: Is there a legal  
16 requirement to vote?  
17 A. A legal requirement?  
18 MS. RUDD: Objection; vague, calls for a  
19 legal conclusion. I have no idea what that means.  
20 Q. (By Mr. Tatum) Is there a legal duty to vote?  
21 Are you required by law to vote?  
22 A. No. But it's a right.  
23 Q. It is a right?  
24 A. It is a right.  
25 Q. Is it a right that a person exercises

141

1 A. Yes.  
2 Q. Prior to SB 14, did voters not have to choose  
3 between voting and other uses of their limited time and  
4 resources?  
5 MS. RUDD: Objection; calls for  
6 speculation.  
7 A. No.  
8 Q. (By Mr. Tatum) They did not?  
9 A. No.  
10 Q. Why didn't they?  
11 MS. RUDD: Objection; calls for  
12 speculation.  
13 A. The difference is that, you know, when we look  
14 at the limited resources and time. The voter  
15 registration card was free. You didn't have to spend  
16 any money to get your voter registration card. So you  
17 didn't have to choose between having to pay a bill or  
18 what have you, or buying this, that, or the other, or  
19 being able to go and get your voter registration card  
20 and vote. So you had the ability to not have that  
21 worry.  
22 And with Senate Bill 14, you now have  
23 that -- I won't say ability, but you now have to  
24 worry -- some will have to worry about this money and,  
25 "My budget is limited or it's fixed. This is how much



142

1 money I have. So the money I have to spend for this,  
2 where is that going to come from?"  
3 And as far as it being no consequences to  
4 people who get into office, whether you vote or not can  
5 have consequences on your situation that could impact or  
6 make it better or make it worse for you. So you do have  
7 consequences for voting or not voting.

8 Q. (By Mr. Tatum) Okay. So we're talking more  
9 about the consequences of choosing to vote and not the  
10 actual choice to vote. Is that correct?

11 MS. RUDD: Objection; vague.

12 A. I'm confused. I'm sorry.

13 (Exhibit No. 5 marked)

14 Q. (By Mr. Tatum) I'm handing you what's been  
15 marked as Exhibit 5.

16 A. Okay.

17 Q. Mr. Banks, do you recognize this document?  
18 Look at the second page.

19 A. Response of plaintiffs.

20 MS. RUDD: And just for the record, just  
21 because you can read the second page doesn't mean you  
22 necessarily recognize this document.

23 THE WITNESS: Right.

24 A. I don't know if I've seen this one.

25 Q. (By Mr. Tatum) Okay. Mr. Banks, I'll

144

1 A. Okay.

2 Q. Are you there?

3 A. I am.

4 Q. Okay. In the middle of Page 24, in that  
5 paragraph, there's a sentence that reads, "Plaintiffs  
6 respectfully urge the Court to keep this 'self  
7 disfranchisement' argument in mind as the case proceeds,  
8 however, because Texas is conceding that SB 14 may force  
9 eligible citizens to choose between voting and other  
10 uses of their limited time and resources."

11 You stated a minute ago that the Texas  
12 NAACP contends that SB 14 forces eligible voters to  
13 choose between voting and other uses of their limited  
14 time and resources. What I'm trying to get at is: In  
15 my opinion, because it is a voluntary right, that choice  
16 always exists, in the same way that you choose to go to  
17 a movie as opposed to reading a book, and what I am  
18 trying to understand is if it is the Texas NAACP's  
19 position that that choice did not exist prior to SB 14.

20 MS. RUDD: Objection; form, compound,  
21 convoluted, asked and answered.

22 MR. TATUM: Fair enough.

23 Q. (By Mr. Tatum) Mr. Banks, does the Texas  
24 NAACP contend that prior to SB 14, voters did not have  
25 to make the choice between voting in an election and

143

1 represent to you that this is the Texas NAACP's response  
2 to the defendants' motion to dismiss.

3 A. Okay.

4 Q. Okay. Have you seen this document before?

5 A. I don't think I have.

6 Q. Okay. Are you aware that this document has  
7 been filed on behalf of the Texas NAACP?

8 A. I see that, yes.

9 Q. Okay. So you agree that it has?

10 A. Yes.

11 Q. This document represents the position of the  
12 Texas NAACP in this case?

13 MS. RUDD: Objection; form. I mean, this  
14 is a legal document written by lawyers. I don't think  
15 he can agree to anything when he hasn't ever seen the  
16 document -- anything that's in this document.

17 MR. TATUM: He's never seen it. I'm just  
18 trying to make sure he understands what it is.

19 MS. RUDD: That's fine, but that's  
20 different from the question you asked.

21 MR. TATUM: Okay.

22 Q. (By Mr. Tatum) Are you aware that the Texas  
23 NAACP has filed this document?

24 A. Yes.

25 Q. Okay. Would you please turn to Page 24?

145

1 other uses of their time and limited resources?

2 MS. RUDD: Objection; asked and answered.

3 Q. (By Mr. Tatum) I'm asking again for a  
4 clarification.

5 A. Sure.

6 MS. RUDD: Same objection.

7 A. Okay. It is our stance that -- well, my  
8 understanding, I should say.

9 Q. (By Mr. Tatum) That's all I'm asking for.

10 A. You look at before SB 14 and after SB 14.  
11 Before, resources that had to be used there wasn't a  
12 decision -- because when you mentioned like going to a  
13 movie or something, that's privileged, extra income. If  
14 you've got it, you do it. But I could still go and vote  
15 because I wouldn't have to pay for a voter registration  
16 card.

17 With SB 14 in place, I have to -- not me,  
18 but the person would have to decide, "How is my money  
19 going to be spent," or, "Do I have the extra money to  
20 get the documents needed to go vote so I can go vote,"  
21 or, "Do I have the extra money to get to where I need to  
22 go to get this free document to go vote, whether it's  
23 traveling 60 miles, having to pay somebody to get me  
24 there or buy a bus ticket?"

25 So you have to now make a decision on,

146

1 "If I don't have the money and I want to vote, how can I  
2 go vote, or what am I now going to have to cut out, or  
3 am I just not going to be able to participate because I  
4 don't have the extra money or it's just not there?"  
5 Q. Does the Texas NAACP contend that there is  
6 more of a consequence to the choice to vote because of  
7 SB 14 than there was prior to SB 14?  
8 MS. RUDD: Objection; vague.  
9 A. What do you mean when you say "consequence"?  
10 Q. (By Mr. Tatum) You mentioned consequences  
11 before.  
12 A. Uh-huh.  
13 Q. I believe you previously testified about the  
14 consequences to choosing to vote now.  
15 A. Right.  
16 Q. And I'm asking: Does Texas NAACP contend that  
17 there are more -- or more severe consequences to  
18 choosing to vote as a result of SB 14?  
19 A. In the way that I mentioned consequences --  
20 Q. And that's what I'm referring to.  
21 A. Right. That could be -- I look at it as how  
22 you would be represented by -- or not represented by --  
23 who ends up in office. So you can be hurt by -- you  
24 know, your vote could have made a difference, or a bunch  
25 of y'all with similar views could be -- could have made

148

1 mentioned --  
2 A. Uh-huh.  
3 Q. Does the Texas NAACP contend that the  
4 requirements of that law are less restrictive than  
5 SB 14?  
6 MS. RUDD: Same objection.  
7 A. From what I remember, yes. Yes.  
8 Q. (By Mr. Tatum) And do you remember why?  
9 MS. RUDD: Same objection.  
10 A. I don't remember all the differences between  
11 Indiana and Texas' voter ID, so I can't say.  
12 Q. (By Mr. Tatum) Okay. You previously talked  
13 about the Texas NAACP's involvement in the legislative  
14 process when the Legislature is in session.  
15 A. Uh-huh.  
16 Q. I want to ask you a quick question about what  
17 happens before a legislative session.  
18 With regard to potential voter ID  
19 proposals at an upcoming legislative session, how does  
20 the Texas NAACP approach or prepare for its  
21 participation in that session with regard to voter ID  
22 proposals?  
23 A. It's been a while since I've had to deal with  
24 a voter ID proposal, but --  
25 Q. That's fine. To the best of your knowledge

147

1 a difference in an election, but because you could not  
2 participate due to SB 14, then you -- the person who may  
3 have had your best interest or had your like interest in  
4 mind may not be able to represent you and your views and  
5 what's needed for you and your community.  
6 Q. Okay. Mr. Banks, are you familiar with any  
7 voter ID laws from other states?  
8 A. Somewhat.  
9 Q. Are you familiar with the voter ID law in the  
10 state of Indiana that was the subject of a case called  
11 Crawford v. Marion County Election Board?  
12 A. Somewhat.  
13 Q. Somewhat?  
14 A. I'm aware of it.  
15 Q. Okay. Does the Texas NAACP contend that the  
16 requirements of that law are less restrictive than  
17 SB 14?  
18 MS. RUDD: I'm just going to object to  
19 the extent that I think this calls for information  
20 outside of the noticed 30(b)(6) topics, but you can  
21 answer if you can.  
22 A. Ask the question again.  
23 Q. (By Mr. Tatum) Sure. Does the Texas NAACP  
24 contend that the requirements of the Indiana voter ID  
25 law that were the subject of that case that I previously

149

1 and memory.  
2 A. From what I remember, whether we know what the  
3 bill would look like or not, at -- ask the question  
4 again. I'm sorry.  
5 Q. Sure. With regard to potential voter ID  
6 proposals at an upcoming legislative session, how does  
7 the Texas NAACP approach or prepare for its involvement  
8 in such a session?  
9 A. Got you. So in the past, what I remember, I'd  
10 have a conversation with Gary from the very beginning  
11 saying, you know, "We know it's going to be coming."  
12 You know, "What are our thoughts or -- you know, if it  
13 does happen, is there anything we would want to be in  
14 the bill? If it's going to have to happen, what would  
15 be good to have in the bill that wouldn't disenfranchise  
16 anybody?"  
17 We'd look and see, okay, if -- you know,  
18 can it be stopped, if it's possible for it to be  
19 stopped.  
20 We would -- at one of the quarterly  
21 meetings that would happen before the session starts --  
22 either before or slightly after session starts,  
23 depending on our schedule, the session schedule, the  
24 whole list of stuff we would like to see happen or not  
25 happen during legislative session that's talked about as

150

1 far as goals and hopes and dreams and wishes and  
2 aspirations.  
3 We would have that conversation and --  
4 with Gary and our political action chairs or have that  
5 conversation of just what's happening and, you know, do  
6 we think we can stop it or what would we like to see or  
7 what options do we have available for us? So we'll just  
8 kind of, I guess, lay out a blueprint or plan of action.

9 Q. Do you begin to compile any data or studies  
10 that are relevant to voter ID legislation?

11 A. If I had seen stuff beforehand, I would -- I  
12 probably already sent something to Gary saying, "Here's  
13 this. Here's that," that I may already have stored  
14 somewhere and have it to look at and to say, "Well, here  
15 is this, that, and the other."

16 And if they know of something or if  
17 somebody else knows of something, they would, you know,  
18 bring it up, but I don't think there's any -- I don't  
19 recall there being any formal process of that.

20 Q. Do you circuit any polls or surveys to your  
21 membership or constituents gauging their opinion of  
22 voter ID legislation?

23 A. That we're conducting?

24 Q. Sorry. That the -- sorry. That the Texas  
25 NAACP conducts.

152

1 I think the Senate hearing was such short  
2 notice, that's a concern of lack of being able to -- if  
3 more people wanted to have input, the lack of being able  
4 to -- the changing of the rules of how it was going  
5 forward on the Senate side was a concern. I think  
6 that's it.

7 Q. Okay. Does the Texas NAACP contend that the  
8 process by which SB 14 was enacted was motivated by an  
9 intent to discriminate against Latino and  
10 African-American voters?

11 A. Yes.

12 Q. And what is that contention based on?

13 A. Well, the process of -- so if you look at how  
14 it's done in the Senate, it was short notice of the bill  
15 is going to be heard, for folks to be able to get  
16 there -- they changed the rules for that process where  
17 it wasn't going to go to a committee separate from the  
18 Senate. They did it as a Senate committee as a whole so  
19 it could be heard, voted, kicked out, this whole  
20 process.

21 They changed the rules specifically for  
22 that bill, the way the Senate brings up bills. I think  
23 normally it's a two-thirds, but now they needed  
24 basically a simple majority -- I think it was a simple  
25 majority in order to get the bill brought up. So you've

151

1 A. No.

2 Q. Okay. Now, during the session, you testified  
3 earlier about various activities that you performed  
4 during the session, meetings, et cetera. With regard to  
5 the 2011 session, the session in which SB 14 was  
6 enacted, do you recall any specific meetings you had  
7 with legislators about SB 14? Specific meetings with  
8 specific legislators.

9 A. I can't recall. Staff counts, or just --

10 Q. Sure.

11 A. Oh, okay. From what I can remember, I would  
12 say Senator West. I met with Senator Ellis -- 2011,  
13 right?

14 Q. Yes.

15 A. -- and I think Representative Anchia. I'm not  
16 100 percent, but I think.

17 Q. So Senators West, Ellis, and Anchia?

18 A. And Representative Anchia.

19 Q. Representative Anchia. Do you remember any  
20 specific concerns or issues regarding SB 14 that were  
21 brought up to those Representatives or Senators?

22 A. It was so long ago. I think when we met --  
23 the lack of forms of ID, the small number, I guess you  
24 could say, if you will, that could be used and the harm  
25 it would have on the minority community was a concern.

153

1 changed that rule to limit input, say, and control from  
2 other groups that if SB 14 was put, I believe, on the --  
3 the emergency list, I think is what it's called -- the  
4 governor can set up -- I think it's called the  
5 emergency. That seems right -- so that it could be  
6 fast-tracked and moved through, you know, quickly  
7 without really having an open discussion and debate.

8 You know, the House even created a select  
9 committee just for this one bill, which helped with the  
10 fast-track process, and -- what's -- say the question  
11 again. I want to make sure I -- could you state the  
12 question again?

13 Q. Sure. The question was: Does the Texas NAACP  
14 contend that the process by which SB 14 was enacted was  
15 motivated by an intent to discriminate against Latino or  
16 African-American voters?

17 A. Okay. Yeah. And then they also -- concerns  
18 made by different groups that testified -- the issues  
19 basically were ignored, and even the concerns stated by  
20 the minority Senators and Reps went ignored. Even the  
21 amendments that they proposed to try to make it a little  
22 better were, you know, basically just ignored. That's  
23 about all I can remember.

24 Q. And I think I recall you said you testified  
25 personally?

154

1 A. On the House side, I believe I did.  
 2 Q. On the House side. On behalf of the Texas  
 3 NAACP?  
 4 A. Well, Gary Bledsoe and I. We both testified  
 5 on the House side.  
 6 Q. Okay. Does the Texas NAACP feel that its  
 7 voice in that process, that its concerns about the  
 8 effects of SB 14 were not adequately heard during the  
 9 legislative process?  
 10 A. Do we feel our voice wasn't heard.  
 11 Q. Does the Texas NAACP feel like their voice was  
 12 not adequately expressed or heard by the Legislature  
 13 during the consideration of SB 14?  
 14 A. I felt like it was -- we expressed it  
 15 adequately. I felt like it wasn't heard or listened to.  
 16 Q. Does Texas NAACP feel like it was given a  
 17 proper opportunity to express its concerns and issues  
 18 regarding SB 14 during the consideration of SB 14?  
 19 A. Does it matter which side of the --  
 20 Q. On either side.  
 21 A. Either side? Yes and no. On the Senate side,  
 22 I think we were there for -- we got there, like, at  
 23 10:00 in the morning, because they said the hearing was  
 24 going to start on -- I don't remember if it was -- it  
 25 was on, like, a Tuesday or Wednesday or Thursday or

156

1 say, or even -- you know, they just seemed to -- they  
 2 went forward with the bill as written, no changes, no  
 3 nothing, just -- you know, there wasn't any lack of  
 4 concern or worry about it.  
 5 Q. Looking back at the complaint -- do you have  
 6 that handy?  
 7 A. Yeah. That's -- is that 3?  
 8 MS. RUDD: Yes.  
 9 Q. (By Mr. Tatum) That was 3, yes.  
 10 A. Okay.  
 11 Q. And again, I'm going to try to not get as  
 12 bogged down in the language of it.  
 13 On Paragraph 57 -- or Paragraph 57, which  
 14 is on --  
 15 A. 18?  
 16 Q. Correct, on Page 18. The last sentence there  
 17 says, "The Texas Legislature did not investigate the  
 18 concerns regarding the discriminatory nature of voter  
 19 identification changes."  
 20 Correct?  
 21 A. Uh-huh.  
 22 Q. That's what --  
 23 A. Correct.  
 24 Q. -- that sentence says? Okay.  
 25 A. Yes.

155

1 something -- some day during the week.  
 2 We got there at 10:00 in the morning,  
 3 give or take, and I think Gary didn't testify until  
 4 about 4:00 in the morning the next day, which can be a  
 5 strain on a person to have to -- I remember -- it might  
 6 have been close to 5:00 or 6:00, because they were  
 7 frying bacon when we left, one of the places. I just  
 8 remember the smell of bacon.  
 9 So we were basically there almost 24  
 10 hours to testify on this bill. So that could be a toll  
 11 on a person in itself. You know, we're fortunate that  
 12 Gary lives in Austin and I live in Austin, that we're  
 13 able to be around with short notice, two-day notice that  
 14 this is going to happen, that we're able to hang around.  
 15 For that one, I think we had -- I think the hearing for  
 16 the House side coincided -- it was early February, so it  
 17 coincided, I think, with some members being up here, I  
 18 think. That just happened to work out that way on that  
 19 day.  
 20 But it still went ignored from -- the  
 21 concerns that were laid out, and -- the concerns that we  
 22 laid out.  
 23 Q. Why does the Texas NAACP feel that their  
 24 concerns and expressed issues were ignored?  
 25 A. They weren't implemented, I guess you could

157

1 Q. Are you aware of any analyses or studies that  
 2 the Legislature should have relied on or investigated or  
 3 been aware of that it did not consider in its  
 4 consideration of SB 14?  
 5 MS. RUDD: Objection; calls for  
 6 speculation.  
 7 A. This is from '05 to '09. I guess this is  
 8 what's --  
 9 Q. (By Mr. Tatum) That's limited to '05 to '09.  
 10 In the context of SB 14, is there anything that you feel  
 11 like the Texas Legislature did not but should have  
 12 considered or taken into account in its consideration of  
 13 SB 14?  
 14 A. Well, I know that one thing they love to do at  
 15 the Legislature is do studies. They love to do them.  
 16 So when you look at the number of -- the lack thereof, I  
 17 guess you could say, of in-person voter fraud, you know,  
 18 saying that this is an issue, and there's no data to  
 19 show that that is an issue, that becomes a very big  
 20 concern how you push this forward as a major concern, a  
 21 major problem that's happening, and there's no data to  
 22 show otherwise. That becomes a red flag for a lot of  
 23 things.  
 24 Q. And between your testimony and the testimony  
 25 of Mr. Bledsoe and anyone else representing the

158

1 interests of the Texas NAACP, were any such studies or  
2 data provided to the Legislature during the  
3 consideration of SB 14, to the best of your knowledge?  
4 A. Not that I recall. It might have been stated  
5 that no data to show it is a problem, but I can't recall  
6 if there were any studies provided by us.

7 Q. You mentioned the rule changes in the  
8 Legislature.

9 A. Uh-huh.

10 Q. Do you remember specifically what rules were  
11 changed or adopted by the 2011 Legislature?

12 A. For the Senate, they changed the two-third  
13 rule, which has been the Senate tradition for many  
14 years, a standing that said, you know, you need  
15 two-thirds of a vote before the bill can come up if it's  
16 not on one of the Senate days or what have you, the  
17 two-thirds rule -- a two-thirds vote of the Senate body.  
18 They -- specifically for voter ID. You know, they  
19 didn't get rid of it for everything, but I know  
20 specifically for voter ID, they removed that rule so it  
21 could be brought up.

22 The ability to be able to do it as a  
23 Senate committee as a whole, they changed it for voter  
24 ID. You know, other bills went to the committee, and  
25 you had committee hearings, and it went through the

160

1 encompassed that. And it -- you know, for the  
2 fast-track so it could -- normally, when the bill is in  
3 session, you have to wait 60 days before they can hit  
4 the House floor, but once it's an emergency item, they  
5 can come up, you know, as soon as they can get them  
6 there, so -- I believe that's all I can remember right  
7 now. Just thinking real hard, that's about it right  
8 now.

9 Q. That was it?

10 A. It's good sometimes.

11 Q. That was a lot.

12 So amongst all these various rule changes  
13 and procedures that you've just described --

14 A. Uh-huh.

15 Q. And I'm not going to attempt to summarize  
16 them. Do you -- does the Texas NAACP contend that any  
17 of those rule changes or procedures were made outside  
18 the permissible bounds of legislative authority?

19 A. How do you mean?

20 Q. Does the Texas NAACP contend that the  
21 Legislature did not have the authority to make those  
22 rule changes or changes in normal or traditional  
23 procedures?

24 A. They have the authority to make these rule  
25 changes. It's just concerning, though, that they

159

1 committee vetting process that the bills tend to  
2 normally go through so you can have transparency and  
3 participation from people who want to come and  
4 participate.

5 Because normally, when it goes through  
6 the committee process, there's generally about a week  
7 notice for folks, I believe.

8 Q. What is a week notice?

9 A. Notice of when a hearing is going to be.

10 Q. Okay.

11 A. You normally have about a week notice, if I  
12 remember correctly. It feels like it's about a week  
13 notice. So you have -- you give people proper time  
14 to -- if they're really passionate or concerned about  
15 it, you have constituents who are able to travel and  
16 come and say their piece and properly prepare and study.

17 Like I said, the House formed a -- you  
18 know, the Governor called it an emergency issue, and the  
19 House formed a special select committee for this bill,  
20 and it went straight to committee. I think the  
21 committee was called "Voter ID and Election Fraud," but  
22 this was the only bill heard in the voter ID and  
23 election fraud committee.

24 There were no other bills sent to even  
25 try to cover election fraud, which that committee

161

1 targeted one specific item. It wasn't that they changed  
2 the rule for everything and anything. It was this one  
3 issue.

4 That becomes a concern when it's only --  
5 when it's just this issue. It was like, "Well, okay.  
6 This one we'll change the rule for. Everything else,  
7 it's business as usual."

8 Q. To the best of your memory, going back to the  
9 earliest time of your involvement with the Legislature  
10 on behalf of the Texas NAACP -- which I think you said  
11 was 2007?

12 A. Yes.

13 Q. Okay. Going back to 2007, do you ever  
14 recall -- as we sit here, do you ever recall similar  
15 rule changes or procedural moves made by the Legislature  
16 for any other kind of bill, not necessarily just voter  
17 ID bills?

18 A. Going back to '07? I think so.

19 Q. Do you recall what bill or bills they were  
20 made in regards to?

21 A. I think in '09 they did it for voter ID, the  
22 Senate being "they." I think the Senate did it in '09  
23 also. And then I think the governor did the emergency  
24 item for the sonogram bill, which -- was that 2011?  
25 That might have been 2011. So I think the sonogram



162

1 bill, they may have made changes for that bill as well.  
 2 Q. Does the Texas NAACP contend some of these  
 3 procedural changes and rule changes negated tactical  
 4 options that the Texas NAACP had at their disposal to  
 5 use in opposition of Senate Bill 14?  
 6 A. Ask the question again.  
 7 Q. Does the Texas NAACP contend that these  
 8 various rule changes and procedural changes that you've  
 9 described --  
 10 A. Uh-huh.  
 11 Q. -- negated tactical options -- now, I'm  
 12 borrowing that language directly from one of the  
 13 pleadings --  
 14 A. Okay.  
 15 Q. -- tactical options at the disposal of the  
 16 Texas NAACP for opposing SB 14?  
 17 A. Yes.  
 18 Q. Okay. Can you described what those tactical  
 19 options were or are?  
 20 A. Well, yeah. So the way the rules are  
 21 normally -- traditionally been set up and followed, the  
 22 legislators would have to listen to the groups that  
 23 are -- not necessarily the group, but the legislators  
 24 themselves, if you look at -- so let's say the Senate  
 25 body.

164

1 worry about concerns that once again the minority  
 2 Representatives were stating or laying out those  
 3 concerns or -- the amendments that they proposed for the  
 4 Senate and the House side. They didn't really have to  
 5 take them serious or to pay them much attention because  
 6 they had the votes and had it set up.  
 7 Q. Mr. Banks, what does the Texas NAACP believe  
 8 is the purpose for Senate Bill 14?  
 9 A. The purpose of Senate Bill 14 is to limit  
 10 minority participation in the voting process, the --  
 11 that's the outcome of it. It limits their ability to  
 12 express their right to vote.  
 13 Q. Does the Texas NAACP contend that SB 14 was  
 14 enacted with discriminatory intent?  
 15 A. Yes.  
 16 Q. And why?  
 17 A. Well, when you look at the process of how it  
 18 was passed -- there may not be any direct evidence, but  
 19 when you look at the process of how they passed it from  
 20 changing of the rules to not listening to -- in the  
 21 Senate side, the minority Senators and their concerns  
 22 and amendments they proposed to make the bill a little  
 23 bit better.  
 24 You know, and they ignore that, and then  
 25 the House side that -- ignored the minority Senators.

163

1 The minority Senators, which I think  
 2 there was eight of them at the time, they would have to  
 3 listen to them more and value their input and what they  
 4 are saying, not just go forth as they want without  
 5 having to listen or respect or care about the issues  
 6 they're laying out.  
 7 But once they change the rules, their  
 8 issues, their point of views, their concerns to be  
 9 expressed were kind of invalid and null and void, and  
 10 the same for what -- like when Gary testified that  
 11 morning, he laid out the information and concerns and  
 12 what have you, and I think -- I don't even think all the  
 13 Senators were there at the time he testified. I think a  
 14 lot had, you know, left and went to sleep or what have  
 15 you, so it wasn't even a full Senate at that point  
 16 either.  
 17 Q. They were out having some of that bacon?  
 18 A. Probably so. They were doing something. I  
 19 was struggling to stay awake myself.  
 20 But they didn't have to listen or didn't  
 21 have to be there or even if they were there, they didn't  
 22 have to pay attention because the votes they had. So  
 23 they didn't have to pay attention to those concerns.  
 24 And on the House side, it's safe to --  
 25 fast-track, select committee, and they didn't have to

165

1 And I think all of the African-Americans and most of the  
 2 Hispanic Representatives voted against the bill, but  
 3 they had amendments, had concerns.  
 4 They had issues -- you look at Gary's  
 5 testimony and what I've said and you hear -- or you see  
 6 that process. Then you look at that evidence, then you  
 7 can see that.  
 8 Q. Does the Texas NAACP contend that any  
 9 Legislator who voted for SB 14 acted with discriminatory  
 10 intent?  
 11 A. I would say yes, because it goes to the  
 12 process of, once again, the rule changes and not  
 13 listening to the concerns. So I would say yes.  
 14 Q. Does the Texas NAACP contend that any citizen  
 15 who supports SB 14 does so because of discriminatory  
 16 intent?  
 17 MS. RUDD: Objection; irrelevant.  
 18 A. I would say, once again, with the process,  
 19 yes, and how it was done.  
 20 Q. (By Mr. Tatum) Does the Texas NAACP contend  
 21 that the Texas Legislature intended to harm any minority  
 22 group with the enactment of SB 14?  
 23 A. Yes.  
 24 Q. And what is that contention based on?  
 25 A. The process of how it was done. Once again,

166

1 changing the rules, ignoring the concerns of minority  
2 Senators and Reps.

3 Q. All right. I want to ask you a couple of  
4 questions that relate to election crimes and voter  
5 fraud.

6 A. Okay.

7 Q. And when I do so, I'm incorporating their  
8 definitions under the 30(b)(6) notice, I believe.

9 MS. RUDD: Okay. I can't be certain that  
10 Mr. Banks will have studied those definitions very  
11 carefully, so --

12 MR. TATUM: Sure. I just want to make  
13 sure that when I refer to that, that's what I'm  
14 referring to, and --

15 Q. (By Mr. Tatum) Do you have that in front of  
16 you?

17 A. Is that Exhibit 1?

18 Q. Yes, sir.

19 A. Yes.

20 Q. Will you just, very quickly, under the  
21 definitions tab, just -- I know those are kind of long  
22 paragraphs, but just kind of skim them just so you can  
23 get a basic idea of what I mean when I say "election  
24 crimes" and "voter fraud."

25 A. Okay. I think I have somewhat of an

168

1 and saying, you know, "You need to have your ID ready.  
2 Have your ID out." And I believe this was before voter  
3 ID was enacted, you know, telling folks, "I need to see  
4 your ID before you walk in here to vote."

5 We had people in Harris County, members  
6 who were trying to assist some of the elderly and make  
7 sure they were able to participate in voting and what  
8 have you, and they -- those are just some that I can  
9 remember off the top of my head. Yeah, off the top of  
10 my head, that's --

11 Q. Okay. In your time as a member of the Texas  
12 NAACP, have you ever expressed concerns to the Texas  
13 NAACP regarding election crimes or voter fraud? You  
14 personally?

15 A. What do you mean "expressed concerns"?

16 Q. Have you ever encountered any instances of  
17 election crimes and voter fraud and made those  
18 encounters known to the Texas NAACP?

19 A. Let me clarify. When you say "encountered,"  
20 do you mean -- what do you mean when you say that?

21 Q. Have you witnessed any instance of election  
22 crimes or voter fraud?

23 A. No. I've received calls, but, no, I haven't  
24 witnessed.

25 Q. You've received calls --

167

1 understanding.

2 Q. You've got the gist of it?

3 A. I'm hoping so.

4 Q. Okay. In your time with the Texas NAACP --

5 A. Uh-huh.

6 Q. -- do you recall any of your -- do you recall  
7 any members or constituents of the Texas NAACP  
8 expressing concerns to you or anyone else at the Texas  
9 NAACP relating to election crimes or voter fraud?

10 A. I'd say yes.

11 Q. And do you recall what those concerns were?

12 A. During my time, we've had --

13 Q. And I'll just say that goes back to -- we're  
14 talking about right now back to 2007.

15 A. Right. You've had elderly couples -- well,  
16 not elderly couples, but elderly people who -- you know,  
17 they've had people approach them asking them --  
18 harassing them and saying, "Who assisted you to vote?  
19 Who are the people -- or who has been assisting you to  
20 vote?"

21 And of course people talking, that scares  
22 folks from wanting -- because they're being now asked  
23 questions about who was assisting them to vote by, you  
24 know, random folks. We've had calls about people who  
25 were outside of election sites, you know, scaring people

169

1 A. Right.

2 Q. -- from -- sorry. You've received calls  
3 regarding election crimes and voter fraud?

4 A. Yes.

5 Q. From who?

6 A. People who have been affected. Actually, I  
7 remember one more. I forgot one of the voter fraud and  
8 crimes.

9 The '08 election, we had the calls of --  
10 here in Travis County, there were some machines that  
11 actually flipped the vote. You had people that called  
12 and said they voted for President Obama, but it came out  
13 showing that they voted for McCain.

14 So there would be people who would  
15 call -- and we had a hotline going on at the time. So  
16 they would call and say, "Hey, this is what happened  
17 here," or, "This happened to me here," and, "This  
18 happened there."

19 So there would be calls from people in  
20 the community.

21 Q. And did the Texas NAACP investigate the calls  
22 like that?

23 A. Yes.

24 Q. Did they do any kind of follow-up?

25 A. Yes.

170

1 Q. And what was the result of those  
2 investigations or follow-ups?  
3 A. Like for people -- I guess it depends on --  
4 well, I know for Travis, they reached out to the  
5 election office to inform them and let them know. If we  
6 hear about somebody is harassing folks in a certain  
7 area, we will -- if we have a branch there, we call them  
8 to see if they can find either somebody -- if somebody  
9 is doing it or somebody who has been accosted and let  
10 the proper people know at the location if this is  
11 happening.  
12 Q. In your time with the Texas NAACP, have any of  
13 your members or constituents expressed concerns to the  
14 Texas NAACP relating to voter impersonation?  
15 A. No, not that I'm aware of.  
16 Q. In your time at the Texas NAACP, has the Texas  
17 NAACP conducted any studies, surveys, or other kinds of  
18 information related to election crimes, voter fraud, or  
19 voter impersonation?  
20 A. Not that I'm aware of.  
21 Q. Okay. To your knowledge, have any members or  
22 constituents at the Texas NAACP ever expressed support  
23 for voter ID requirements?  
24 A. Not that I'm aware of.  
25 Q. This is kind of encapsulated in that, but to

172

1 A. Waller County.  
2 Q. Waller County?  
3 A. Yes. There's always a problem in Waller  
4 County, home of Prairie View. They've had voter  
5 registration forms -- you know, cards -- the voter  
6 registration forms end up missing, just in a box in a  
7 room somewhere that just were not processed at all. The  
8 registrar, they didn't do anything. It seems like every  
9 election year we have some kind of issue in Waller  
10 County, every election year.  
11 Q. Refresh my memory. Where is Waller County?  
12 A. Right outside Houston.  
13 Q. Okay.  
14 A. Prairie View, Brenham. It's off 290. You  
15 drive right through there.  
16 Q. Okay.  
17 A. I'm good with that.  
18 Q. Is there anything else that you might want to  
19 mention with regard to concerns expressed by Texas NAACP  
20 members or constituents with regard to voter fraud or  
21 election crimes?  
22 A. At this moment, no. That's all I can  
23 remember.  
24 Q. Okay. Are you aware that SB 14 became  
25 completely effective on January 1st, 2012?

171

1 your knowledge, have any of your members -- have any  
2 members or constituents at the Texas NAACP ever  
3 expressed support for SB 14?  
4 A. Not that I'm aware of, no.  
5 Can I add one more to the question you  
6 asked about have we had election crimes or voter fraud  
7 reported to us?  
8 Q. Yes, you may. And I want to make sure that  
9 we're on the same page, actually, now that you bring  
10 that up. I think some of what you were speaking to --  
11 you were talking about voter intimidation at the polling  
12 place, and I want to make sure that we're talking about  
13 election crime or voter fraud as defined in these terms.  
14 A. Sure.  
15 Q. I just want to make that clarification.  
16 A. Right.  
17 MS. RUDD: Okay. But I think that would  
18 be included in your definitions here.  
19 Q. (By Mr. Tatum) Okay. And I'm not saying it's  
20 not.  
21 A. Right.  
22 Q. I just want to clarify that for my purposes.  
23 A. And then there's Waller County, which there's  
24 always a problem in Waller County.  
25 Q. Sorry. Say that again.

173

1 A. The date it became effective, I'm -- I don't  
2 recall.  
3 Q. Okay. But you agree that SB 14 is currently  
4 completely effective?  
5 A. Yes.  
6 Q. Okay. Do you know how many election cycles  
7 we've had in the state of Texas since the enactment of  
8 SB 14?  
9 A. I believe two.  
10 Q. Do you know -- are you aware if more or less  
11 of your members voted in those elections compared to  
12 previous ones?  
13 A. I am not aware.  
14 Q. Are you aware if any of the members or  
15 constituents of the Texas NAACP were not able to vote in  
16 either one of those election cycles because of SB 14?  
17 A. Yes.  
18 Q. You are aware?  
19 A. Yes.  
20 Q. And how were you made aware of that?  
21 A. We received the information that somebody was  
22 not able to -- to vote this past election cycle.  
23 Q. You received information?  
24 A. Yes.  
25 Q. What kind of information? How did you receive

174

1 that information? Sorry. That was two questions.  
 2 How did you receive that information?  
 3 MS. RUDD: Okay. Let me just caution  
 4 you, Yannis, not to reveal anything that would be  
 5 communications between yourself and any of the counsel  
 6 to the Texas NAACP in this case.  
 7 If you received that information from a  
 8 phone call from a member, then that's one thing, but I  
 9 just want to caution you that if you received that  
 10 information through conversations with counsel, just  
 11 don't reveal that here, because that's attorney-client  
 12 privilege.  
 13 A. It was attorney-client privilege.  
 14 Q. (By Mr. Tatum) Okay. Did you receive any  
 15 information about instances in which a Texas NAACP  
 16 member and constituent was unable to vote directly from  
 17 a member or constituent?  
 18 A. Not that I'm aware of.  
 19 Q. What would be the normal process if a member  
 20 or constituent was unable to vote because of SB 14 and  
 21 they wanted to express that concern to the Texas NAACP?  
 22 What would be the process for them to do so? Or stated  
 23 another way: What avenues are available to them to  
 24 express those concerns to the Texas NAACP?  
 25 A. Sure. They would -- multiple avenues. They

176

1 which you were deposed. This was a deposition taken on  
 2 May 25th, 2012, I believe, at -- I don't know exactly  
 3 where. But do you recall sitting for this deposition?  
 4 A. Right in here.  
 5 Q. Right in here?  
 6 A. Same room.  
 7 Q. Okay. Will you just turn quickly all the way  
 8 to the back to Page 160? And I'm sorry if this is  
 9 small, but I wanted to save paper.  
 10 A. No. We're good.  
 11 Q. Okay. At the bottom of this page -- and I'll  
 12 represent to you that these were questions being asked  
 13 to you by, I believe, your attorney at the time,  
 14 Mr. Vandewalker. Is that correct?  
 15 A. It could have been. At that point, it was  
 16 four hours, five hours in. I couldn't remember.  
 17 Q. Yeah. On the previous page -- sorry. On  
 18 Page 156 of the deposition, it indicates that  
 19 Mr. Vandewalker was initiating a round of questions to  
 20 you.  
 21 A. Okay.  
 22 Q. Okay. So this is a question from  
 23 Mr. Vandewalker, who was representing you in that  
 24 deposition. Correct?  
 25 A. He was one of them, yes.

175

1 could contact their local branch, and then they could  
 2 get ahold of us and -- or they could call us directly or  
 3 email. I think those are about -- or if they know one  
 4 of us, they can walk up and have a verbal conversation.  
 5 Q. Okay.  
 6 A. Or write a letter. People still write  
 7 letters.  
 8 Q. Has Texas NAACP conducted any kind of field  
 9 test regarding the -- regarding how SB 14 plays out in  
 10 practice?  
 11 A. What do you mean "field test"?  
 12 Q. In other words, has the Texas NAACP conducted  
 13 any tests to see how one goes about obtaining an EIC,  
 14 for example?  
 15 A. Besides looking up what's required to get one,  
 16 or --  
 17 Q. Yes.  
 18 A. Not that I'm aware of.  
 19 (Exhibit No. 6 marked)  
 20 Q. (By Mr. Tatum) All right. I'm handing you  
 21 what's been marked as Exhibit 6.  
 22 A. Okay.  
 23 Q. There you go. All right, Mr. Banks. I'm  
 24 representing to you that this is a copy of a previous  
 25 transcript -- a transcript of a previous deposition in

177

1 Q. Okay. At the bottom of Page 160, on Line 19,  
 2 he asks you, "If Senate Bill 14 goes into effect, will  
 3 the NAACP have to change its programming or  
 4 activities?"  
 5 And your answer to that question was, "We  
 6 will have to make some adjustments, yes. We would -- we  
 7 would definitely need to get our members and  
 8 constituents informed of what the new law entails. And  
 9 so we'll have to use our resources or divert resources  
 10 that would be used for other things to inform others,  
 11 and to whatever extent that we could help get what they  
 12 need to be able to vote as well."  
 13 Is that, more or less, a summary of your  
 14 testimony there?  
 15 A. More or less, yes.  
 16 Q. Okay. So that deposition was taken in 2012.  
 17 We're here almost exactly two years later. Could you  
 18 describe what kind of adjustments to your programming  
 19 activities, if any, the Texas NAACP has had to make --  
 20 A. Sure.  
 21 Q. -- because of the enactment of SB 14?  
 22 A. Yeah. Well, as we mentioned earlier, when  
 23 you -- when we -- we have had to do more workshops from  
 24 it at our state convention, which takes away from  
 25 training we wanted to do. Resources that we've had

178

1 available as far as financial-wise, we had to change and  
 2 divert from different areas or programs or what have you  
 3 in order to make sure we could fund the work we have to  
 4 do.  
 5 With having more training, it's less  
 6 focused on different issues, and we can't focus on --  
 7 even the way I've had to operate for our state  
 8 convention, a role I would normally play with help  
 9 planning or getting things mailed out and shipped out --  
 10 from talking to Linda, the State Secretary, she said  
 11 about 80 percent of the work I used to do for that,  
 12 which I noticed I had stopped doing a lot, she's had to  
 13 pick up and do herself or what have you. So there was a  
 14 workload that I used to be able to focus on that had to  
 15 be -- that was diverted from me.  
 16 So different -- you know, at times, when  
 17 you can have -- be focused more on issues that could be  
 18 pressing or say, "I need to have y'all understand this  
 19 issue and that issue," whether it's education or  
 20 financial issues, other issues that are important and  
 21 impact -- or even working with different organizations  
 22 where there may be some discriminatory acts happening  
 23 into a company or a different organization and they want  
 24 assistance, it could be we're not able to sit down and  
 25 work with them because we have this going on. Or it

180

1 Q. -- an amount of financial and other resources  
 2 to deal with the impacts of SB 14. Correct?  
 3 A. Yes.  
 4 Q. Okay. What I'm asking is: Has the amount or  
 5 the percentage of those resources in relation to all the  
 6 resources available to the Texas NAACP -- has that  
 7 percentage changed, either increased or decreased,  
 8 between the enactment of SB 14 and now?  
 9 A. I was --  
 10 MS. RUDD: Objection; form.  
 11 A. I'd say yes. I couldn't give you  
 12 percentage-wise as to the changes, but I'd say yes.  
 13 Q. (By Mr. Tatum) Do you think that the Texas  
 14 NAACP has become better at educating its members about  
 15 the requirements of SB 14 as time goes along?  
 16 MS. RUDD: Objection; vague.  
 17 A. When you say "better" --  
 18 Q. (By Mr. Tatum) That was vague. Has the Texas  
 19 NAACP become more adept at educating its members about  
 20 the requirements of SB 14? Has it had to expend less  
 21 resources as a result of SB 14 over time? And that was  
 22 two questions I put together again. Let me start over.  
 23 MS. RUDD: I think he can probably  
 24 answer.  
 25 Q. (By Mr. Tatum) If you can answer that

179

1 could be a group we've worked with on a different issue  
 2 completely separate from this, and they're having a  
 3 meeting about it, want to talk about it, and we say, "I  
 4 can't make it because I have to do this. I need to do  
 5 that. This is going on."  
 6 So there are times, when I'm working with  
 7 with some of our allies, I have to either cancel  
 8 meetings, not attend meetings, or just miss it flat out  
 9 and tell them, "Yes, I can be there," and something  
 10 comes up and, "I'm not going to be there."  
 11 So that aspect of resources.  
 12 Q. And has the diversion of resources that you've  
 13 talked about, has that been ongoing and continuous from  
 14 the enactment of SB 14 to present day?  
 15 A. Yes.  
 16 Q. Okay. Has the percentage of resources, both  
 17 financial and otherwise that have been diverted because  
 18 of SB 14 -- has the percentage of those resources  
 19 changed over the course of the past two years since  
 20 SB 14 was enacted?  
 21 A. When you say "percentage" -- like financial,  
 22 when you say "percentage," what do you --  
 23 Q. Well, the Texas NAACP has contented that  
 24 because of SB 14, they're having to divert --  
 25 A. Uh-huh.

181

1 question, by all means. If not, I can rephrase.  
 2 A. Could you rephrase it? Because you lost me at  
 3 a certain point.  
 4 Q. Sure. I'll let you know this is the last  
 5 point I'm on, so we're almost done here.  
 6 Since SB 14 has been enacted --  
 7 A. Uh-huh.  
 8 Q. -- and as a result of that, as you've stated,  
 9 the Texas NAACP has had to divert resources to purposes  
 10 directly related to SB 14 that could have otherwise been  
 11 spent elsewhere. That's been your testimony here today.  
 12 I guess what I'm getting at -- I may have  
 13 already asked this. If so, please tell me.  
 14 A. Sure.  
 15 Q. Over time, has the Texas NAACP had to expend  
 16 or divert less resources to purposes related to SB 14  
 17 than it did previously?  
 18 A. I would say no, we haven't, because it's  
 19 ongoing, and we want to make sure that people know about  
 20 it and what's happening and make sure that our members  
 21 are as informed as they need to be. And even as you get  
 22 new members, you want to make sure that they are as  
 23 informed as they need to be.  
 24 And there's time when folks have an  
 25 understanding of it, but they want to make sure they



182

1 have an understanding of it, so they may call me or text  
 2 me or email me -- those who have my phone number, but  
 3 most of them have my email if -- or they know how to get  
 4 my email -- to ask me a question to make sure that this  
 5 is -- "Am I understanding this right," or, "Am I  
 6 grasping this right," or, "Do I have this  
 7 understanding?"  
 8 So there could be a time when I, you  
 9 know, was going to go have a meeting with somebody else  
 10 or was going to head here, so I may be late getting  
 11 there or may not be able to make it because I want to  
 12 make sure they're good.  
 13 You know, you do -- if you have to redo  
 14 the convention or redo a program or add an extra program  
 15 to make double sure or to get what you need, you  
 16 still -- it's not getting any easier or better. I think  
 17 people are still having more and more questions, and  
 18 there's more and more people to reach out to.  
 19 Q. Okay. Mr. Banks, I think that's all I have  
 20 for you today.  
 21 A. You're my best friend.  
 22 Q. Before we go off the record, is there any  
 23 answer that you've given today that you'd like to  
 24 supplement or change now that you've had time to think  
 25 about it?

184

1 Does the Texas NAACP contend that it  
 2 suffered harm as an organization as a result of SB 14?  
 3 A. Yes.  
 4 Q. And is that harm continuing today?  
 5 A. Yes.  
 6 MS. RUDD: No further questions.  
 7 MR. TATUM: That's it. I think we can go  
 8 off record.  
 9 (Deposition concluded at 2:41 p.m.)  
 10 (Signature requested.)  
 11 \* \* \* \* \*  
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183

1 A. There's so many answers. Nothing that's just  
 2 jumping at me right now.  
 3 MS. RUDD: If we could take a quick  
 4 break, I might have just one question I want to ask him  
 5 just for clarification purposes, and that will take 20  
 6 seconds.  
 7 MR. TATUM: No problem.  
 8 MS. MILLER: Okay.  
 9 MR. TATUM: Would you like to go off  
 10 record?  
 11 MS. RUDD: Yes, please.  
 12 MR. TATUM: All right. We'll go off  
 13 record.  
 14 (Recess from 2:35 p.m. to 2:40 p.m.)  
 15 MR. TATUM: All right. We're back on the  
 16 record. I have no more questions for Mr. Banks, and I  
 17 pass the witness.  
 18 MS. MILLER: No questions from the United  
 19 States.  
 20 EXAMINATION  
 21 BY MS. RUDD:  
 22 Q. Mr. Banks, we've talked a lot today about the  
 23 diversion of resources that has been necessary for the  
 24 Texas NAACP as a result of SB 14, and I just want to  
 25 clarify one point for the record.

185

1 CHANGES AND SIGNATURE  
 2 WITNESS NAME: YANNIS BANKS  
 3 DATE OF DEPOSITION: JUNE 4, 2014  
 4 PAGE/LINE CHANGE REASON  
 5 \_\_\_\_\_  
 6 \_\_\_\_\_  
 7 \_\_\_\_\_  
 8 \_\_\_\_\_  
 9 \_\_\_\_\_  
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186

1 I, YANNIS BANKS, have read the foregoing deposition  
2 and hereby affix my signature that same is true and  
3 correct, except as noted above.

4

5 \_\_\_\_\_  
6 YANNIS BANKS

7 THE STATE OF \_\_\_\_\_)

8 COUNTY OF \_\_\_\_\_)

9

10 Before me, \_\_\_\_\_, on this day  
11 personally appeared YANNIS BANKS, known to me (or proved  
12 to me under oath or through \_\_\_\_\_)  
13 (description of identity card or other document) to be  
14 the person whose name is subscribed to the foregoing  
15 instrument and acknowledged to me that they executed the  
16 same for the purposes and consideration therein  
17 expressed.

18 Given under my hand and seal of office this the  
19 \_\_\_\_ day of \_\_\_\_\_, 2014.

20

21

22 \_\_\_\_\_  
23 NOTARY PUBLIC IN AND FOR  
24 THE STATE OF \_\_\_\_\_  
25

187

1 THE STATE OF TEXAS:  
2 COUNTY OF TRAVIS:

3

4 I, Steven Stogel, a Certified Shorthand Reporter in  
5 and for the State of Texas, do hereby certify that the  
6 facts as stated by me in the caption hereto are true;  
7 that the above and foregoing answers of the witness,  
8 YANNIS BANKS, to the interrogatories as indicated were  
9 made before me by the said witness after being first  
10 duly sworn to testify the truth, and same were reduced  
11 to typewriting under my direction; that the above and  
12 foregoing deposition as set forth in typewriting is a  
13 full, true, and correct transcript of the proceedings  
14 had at the time of taking of said deposition.

15

16 I further certify that I am not, in any capacity, a  
17 regular employee of the party in whose behalf this  
18 deposition is taken, nor in the regular employ of his  
19 attorney; and I certify that I am not interested in the  
20 cause, nor of kin or counsel to either of the parties.

21 filed with the Clerk.  
22 GIVEN UNDER MY HAND AND SEAL OF OFFICE, on this,  
23 the \_\_\_\_ day of June, 2014.

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<p><b>30</b> 30:4 109:12</p> <p><b>30 (b) (6)</b> 4:3 16:15,19 90:17 127:11 147:20 166:8</p> <p><b>300</b> 5:8</p> <p><b>31</b> 187:18</p> <p><b>3100</b> 187:19</p> <p><b>320-8690</b> 187:20</p> <p><b>36</b> 102:22</p> <p><b>362</b> 58:16</p> <p><b>37th</b> 5:5</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p><b>4</b> 4:5 7:8 17:23 18:4,9,16,21 136:7,9 185:3</p> <p><b>4:00</b> 155:4</p> <p><b>43</b> 111:15 112:9 116:3</p> <p><b>44</b> 119:7</p> <p><b>45</b> 103:7</p> <p><b>46</b> 122:24 123:1 124:25 127:24</p> <p><b>48</b> 128:16,23 130:23</p> <p><b>4th</b> 4:10 8:11</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p><b>5</b> 6:3 7:10 16:24 142:13,15</p> <p><b>5/25/12</b> 7:13</p> <p><b>5:00</b> 155:6</p> <p><b>512</b> 187:20</p> <p><b>512.394.3000</b> 5:9</p> <p><b>512.463.2110</b> 5:21</p> <p><b>528</b> 187:19</p> <p><b>57</b> 156:13</p> <p><b>58</b> 103:7</p> <p><b>5th</b> 5:5</p> <hr/> <p style="text-align: center;">6</p> <hr/>	<p><b>6</b> 7:13 175:19,21</p> <p><b>6:00</b> 98:25 101:24 155:6</p> <p><b>60</b> 115:24 122:2 145:23 160:3</p> <p><b>6174</b> 187:17</p> <p><b>62</b> 103:8</p> <p><b>633</b> 5:5</p> <p><b>6th</b> 5:8</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p><b>7</b> 95:11</p> <p><b>72</b> 103:5</p> <p><b>78701-3902</b> 5:9</p> <p><b>78711-2548</b> 5:21</p> <p><b>78748</b> 187:20</p> <hr/> <p style="text-align: center;">8</p> <hr/> <p><b>8</b> 100:6</p> <p><b>80</b> 21:2,4,12 178:11</p> <p><b>80th</b> 56:6,10,12</p> <p><b>81</b> 7:6</p> <p><b>82nd</b> 64:5</p> <p><b>83rd</b> 55:8</p> <p><b>88.7</b> 126:19</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p><b>9</b> 6:6 100:7</p> <p><b>9:35</b> 4:10 8:10</p> <p><b>90071-2013</b> 5:5</p> <hr/> <p style="text-align: center;">A</p> <hr/> <p><b>a.m</b> 4:10 52:11</p> <p><b>A-101</b> 187:19</p> <p><b>ability</b> 11:5,9 76:9,13 106:25 107:5 115:8 138:12 141:20,23 158:22 164:11</p> <p><b>able</b> 12:2 23:25 41:9</p>	<p>47:5 50:13,21,25 51:6 70:9 72:3 74:23 75:2 83:7 85:19,25 88:13,15,19,22 89:1,3,13 91:18,21,22 92:5,9,23 96:10 101:14,25 110:7,8 113:2 114:3 115:5,7 122:8 130:17 138:14 139:3 141:19 146:3 147:4 152:2,3,15 155:13,14 158:22 159:15 168:7 173:15,22 177:12 178:14,24 182:11</p> <p><b>above-styled</b> 4:9</p> <p><b>abridge</b> 135:11 136:19 137:4,9 138:16</p> <p><b>abridgment</b> 138:17,24</p> <p><b>accept</b> 99:7</p> <p><b>acceptable</b> 91:14,16,24 92:2,6,20,24 93:4,7,17 106:3,14,25 107:6 108:18 109:21 111:19 112:1,10 113:3 119:21 120:5,24 121:8</p> <p><b>access</b> 62:15 75:4 124:18 128:10</p> <p><b>accompanying</b> 32:18</p> <p><b>According</b> 103:1</p> <p><b>accosted</b> 170:9</p> <p><b>account</b> 62:15 109:2 135:12 136:20 137:4,10 157:12</p> <p><b>accounts</b> 84:7</p> <p><b>accurate</b> 11:5,9 12:2 48:8 80:17 81:19 86:11 89:5 100:17 103:11 112:8,15 116:10 119:15 123:6</p>
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<p>124:9 129:4</p> <p><b>accurately</b> 11:13 68:19</p> <p><b>acknowledged</b> 186:15</p> <p><b>ACLU</b> 58:4</p> <p><b>ACS</b> 103:2 110:2,22 114:15 118:5</p> <p><b>act</b> 36:11</p> <p><b>acted</b> 165:9</p> <p><b>action</b> 1:3 2:1 3:1,11 21:24 43:9,12 53:15 76:20 77:8 78:1 150:4,8</p> <p><b>actions</b> 123:1,9 124:20 125:1,7 127:24</p> <p><b>active</b> 37:16 63:24</p> <p><b>activities</b> 28:21 31:12 34:15 43:1 66:13 83:15,19 86:12 151:3 177:4,19</p> <p><b>activity</b> 45:3 50:18 66:20 67:1</p> <p><b>acts</b> 178:22</p> <p><b>actual</b> 91:22 142:10</p> <p><b>actually</b> 25:11 32:3 46:18 50:25 57:19,21 58:1 67:3 98:11 126:6,7 169:6,11 171:9</p> <p><b>add</b> 171:5 182:14</p> <p><b>addition</b> 68:13 99:21</p> <p><b>address</b> 32:24 34:2 117:3</p> <p><b>addressing</b> 70:17</p> <p><b>adept</b> 180:19</p> <p><b>adequately</b> 18:25 154:8,12,15</p> <p><b>adjustments</b> 177:6,18</p> <p><b>adopted</b> 158:11</p>	<p><b>adult</b> 30:3</p> <p><b>advertise</b> 36:18</p> <p><b>advice</b> 40:14,16,18 41:23,25 42:4 79:25</p> <p><b>advocating</b> 35:21</p> <p><b>affect</b> 11:5,9 130:2</p> <p><b>affected</b> 110:7 169:6</p> <p><b>affects</b> 76:9</p> <p><b>affiliate</b> 9:24</p> <p><b>affirmatively</b> 131:4</p> <p><b>affix</b> 186:2</p> <p><b>afford</b> 101:21 110:9 130:12,17</p> <p><b>afoul</b> 28:9</p> <p><b>African-American</b> 35:22 53:6,7 111:20 112:13 119:9 120:12 125:16,18,20 126:2,3 129:2 152:10 153:16</p> <p><b>African-Americans</b> 110:3 112:4 165:1</p> <p><b>against</b> 152:9 153:15 165:2</p> <p><b>age</b> 29:19 30:7 109:5</p> <p><b>agenda</b> 69:16,22 74:5,7,9</p> <p><b>agents</b> 33:1</p> <p><b>ages</b> 109:8</p> <p><b>ago</b> 10:16 36:13 72:18 144:11 151:22</p> <p><b>agreement</b> 28:5,10</p> <p><b>ahead</b> 10:20 40:23 50:21 102:21 138:25</p> <p><b>ahold</b> 175:2</p> <p><b>aiding</b> 69:13</p> <p><b>allegation</b> 98:8 103:14 124:2 132:8</p> <p><b>allegations</b> 82:6</p> <p><b>alleged</b> 119:8</p>	<p><b>allegedly</b> 83:14</p> <p><b>allies</b> 179:7</p> <p><b>allocate</b> 60:18 86:14</p> <p><b>allocated</b> 61:9 88:7</p> <p><b>allocation</b> 60:13 86:21</p> <p><b>allow</b> 102:14</p> <p><b>allowance</b> 100:21</p> <p><b>allowing</b> 102:5</p> <p><b>alone</b> 122:3</p> <p><b>already</b> 13:15 15:16 19:3 63:10 95:14 96:6 101:10 107:25 108:3 139:12 150:12,13 181:13</p> <p><b>alternative</b> 84:6</p> <p><b>am</b> 9:19 13:4 17:4 19:10 25:1 29:6 41:3 45:18 50:21 68:18 76:14 95:9 102:24 109:6,10 111:25 144:3,17 146:2,3 173:13 182:5 187:8,10</p> <p><b>ambiguous</b> 140:15</p> <p><b>amendments</b> 153:21 164:3,22 165:3</p> <p><b>AMERICA</b> 2:1 5:11</p> <p><b>American</b> 1:7 3:2 7:11 103:3,17</p> <p><b>Americanize</b> 132:18</p> <p><b>Americans</b> 103:24</p> <p><b>among</b> 111:18 112:2,12</p> <p><b>amongst</b> 24:9 59:20 80:9 106:11 160:12</p> <p><b>amount</b> 70:18 98:17 99:18 101:2,6 123:24 180:1,4</p> <p><b>amounts</b> 121:21 122:11,12</p>
---	---	---



<p><b>Amy</b> 5:3 8:21 107:11</p> <p><b>amy.rudd@dechert.com</b></p> <p>5:6</p> <p><b>analyses</b> 90:25 157:1</p> <p><b>Anchia</b></p> <p>151:15,17,18,19</p> <p><b>and/or</b> 90:3</p> <p><b>Angela</b> 5:12 8:25 16:5</p> <p><b>angela.miller5@usdoj.gov</b> 5:16</p> <p><b>Angeles</b> 5:5</p> <p><b>Angelo</b> 120:13</p> <p><b>ANNA</b> 1:4</p> <p><b>annual</b> 30:22,24</p> <p>31:4,5</p> <p><b>answer</b> 11:22,25</p> <p>12:16,17 22:22</p> <p>40:1,22 41:21,22</p> <p>44:17 46:3 47:5,9,10</p> <p>71:13 74:19 78:6</p> <p>79:23 80:1 90:5</p> <p>96:24,25 127:11</p> <p>147:21 177:5</p> <p>180:24,25 182:23</p> <p><b>answered</b> 131:4 144:21</p> <p>145:2</p> <p><b>answering</b> 11:13 12:4</p> <p><b>answers</b> 11:6,10,20</p> <p>183:1 187:4</p> <p><b>Antonio</b> 22:15</p> <p><b>anybody</b> 36:13 49:4</p> <p>149:16</p> <p><b>anyone</b> 13:25 14:19,25</p> <p>49:22 50:3 54:5</p> <p>61:1,2 135:25 157:25</p> <p>167:8</p> <p><b>anything</b> 11:12 15:15</p> <p>19:5 34:8 36:11</p> <p>43:16 49:4,8,9 51:3</p> <p>54:17,20 62:22</p> <p>63:6,9 80:17 108:4</p> <p>111:3,11 113:24</p>	<p>114:1,22 125:11,19</p> <p>143:15,16 149:13</p> <p>157:10 161:2</p> <p>172:8,18 174:4</p> <p><b>appear</b> 109:16</p> <p><b>Appearances</b> 6:3</p> <p><b>appeared</b> 186:11</p> <p><b>Appearing</b> 5:13</p> <p><b>appears</b> 125:9</p> <p><b>applicant</b> 32:20</p> <p><b>application</b> 29:18</p> <p>30:21 32:20</p> <p>33:4,10,15,20,21,24</p> <p>128:25 129:9,16</p> <p>130:22 131:6</p> <p><b>applies</b> 20:10</p> <p><b>apply</b> 93:24</p> <p><b>applying</b> 95:15 96:7</p> <p><b>appointed</b> 25:15,25</p> <p>26:1,3 27:16</p> <p><b>appoints</b> 26:4,5</p> <p><b>approach</b> 148:20 149:7</p> <p>167:17</p> <p><b>appropriately</b> 83:22</p> <p>127:19</p> <p><b>approval</b> 77:23</p> <p><b>area</b> 22:15 23:4,25</p> <p>29:10 33:6 50:18</p> <p>61:25 68:2,5,6 72:21</p> <p>114:25 115:15 170:7</p> <p><b>areas</b> 85:16 98:19</p> <p>115:16 116:1 124:13</p> <p>138:4 178:2</p> <p><b>aren't</b> 33:9 86:20</p> <p>90:25 96:3</p> <p><b>argument</b> 144:7</p> <p><b>arise</b> 119:9</p> <p><b>arises</b> 87:8</p> <p><b>Asian</b> 103:9 132:16</p> <p><b>aspect</b> 38:14 59:17</p>	<p>179:11</p> <p><b>aspirations</b> 150:2</p> <p><b>assigned</b> 51:15</p> <p><b>assist</b> 35:6 82:2 83:7</p> <p>168:6</p> <p><b>assistance</b> 35:6,9,12</p> <p>104:24 105:2 115:17</p> <p>178:24</p> <p><b>assistant</b> 5:19 8:2</p> <p>21:20 48:3,11,12</p> <p><b>assisted</b> 167:18</p> <p><b>assisting</b> 69:4,13</p> <p>82:15 167:19,23</p> <p><b>associated</b> 86:25</p> <p>95:18 97:7,8,15</p> <p>98:4,7 99:11,22</p> <p>121:24</p> <p><b>association</b> 2:6 57:23</p> <p>74:25 126:2</p> <p><b>assume</b> 27:1 60:15</p> <p><b>attached</b> 4:16</p> <p><b>attempt</b> 160:15</p> <p><b>attend</b> 38:3,5,8,18</p> <p>41:9,12 49:5 71:19</p> <p>73:9,10 179:8</p> <p><b>attendance</b> 72:13</p> <p><b>attended</b> 72:17,23</p> <p>73:3</p> <p><b>attends</b> 37:25</p> <p><b>attention</b> 71:8</p> <p>163:22,23 164:5</p> <p><b>attorney</b> 4:13 5:13,19</p> <p>8:2,12 14:2,11 44:4</p> <p>45:25 79:25 176:13</p> <p>187:10</p> <p><b>attorney-client</b> 79:22</p> <p>174:11,13</p> <p><b>attorneys</b> 12:15,17</p> <p>13:12 14:1,7 15:24</p> <p>18:6 40:1 47:7 90:19</p> <p><b>attract</b> 28:12</p>
--	--	--

<b>audible</b> 11:20 <b>Austin</b> 4:14 5:9,21 8:11 9:16 27:25 36:4 114:7 155:12 187:20 <b>authority</b> 50:13,19 71:10 160:18,21,24 <b>avail</b> 32:8 <b>available</b> 31:23 42:8 96:20 150:7 174:23 178:1 180:6 <b>avenues</b> 125:14 174:23,25 <b>average</b> 72:12,13 99:1 <b>awake</b> 163:19 <b>aware</b> 15:11 17:13,20 18:21 29:5,6 47:3 49:10 68:23 81:4 82:4,5 94:12,14,18,25 95:7,9 102:20 109:3,6,10 143:6,22 147:14 157:1,3 170:15,20,24 171:4 172:24 173:10,13,14,18,20 174:18 175:18 <b>away</b> 71:6 132:21 177:24 <hr/> B <hr/> <b>background</b> 36:9 <b>bacon</b> 155:7,8 163:17 <b>bad</b> 53:4,25 70:13 <b>ballot</b> 43:19 100:9,12,13 101:3 102:5,8,9,12 117:19 129:23 131:25 <b>ballots</b> 82:16 <b>ballpark</b> 21:4 <b>ballrooms</b> 72:11 <b>bank</b> 5:4 44:21,23 84:6,7	<b>banks</b> 4:4,7 6:5 7:13 8:7,16,19 9:3,7,9,14,17 10:10 11:1 13:2 16:1 17:12,19,24 18:20 19:8,15,23 39:14 52:12 63:20 81:9 92:19 96:23 135:9 136:9 142:17,25 144:23 147:6 164:7 166:10 175:23 182:19 183:16,22 185:2 186:1,5,11 187:4 <b>barrier</b> 135:18 <b>barriers</b> 135:17 139:2 <b>base</b> 44:22 114:12 <b>based</b> 22:6 58:24 65:23 70:10 82:10,23 85:7,8 90:3 102:17 103:21 109:24,25 110:25 111:4 113:5,15 124:7 127:22 129:18 132:22 133:1 135:15 139:13 152:12 165:24 <b>bases</b> 19:12 <b>basic</b> 128:9 166:23 <b>basically</b> 134:16 152:24 153:19,22 155:9 <b>basis</b> 49:20 <b>bear</b> 95:18 97:7 <b>became</b> 17:19 172:24 173:1 <b>become</b> 28:23 29:15,16 30:8 33:11,15 34:22 48:14 56:15 131:19 180:14,19 <b>becomes</b> 157:19,22 161:4 <b>becoming</b> 30:7 <b>beforehand</b> 12:20 150:11	<b>begin</b> 48:18 150:9 <b>beginning</b> 149:10 <b>begins</b> 109:19 <b>behalf</b> 17:14 18:22 53:22 57:4 66:2 143:7 154:2 161:10 187:9 <b>behind</b> 84:18 123:14 <b>belief</b> 89:22 90:3 128:17 134:19 <b>believe</b> 16:15 20:3 28:7 30:2,14 56:2,11,24 58:16 65:21 67:17 68:11 73:2 90:21 131:3 139:12 146:13 153:2 154:1 159:7 160:6 164:7 166:8 168:2 173:9 176:2,13 <b>BELINDA</b> 3:11 <b>BENAVIDES</b> 2:8 <b>benefit</b> 31:22 32:7,9 34:14 <b>benefits</b> 32:1 <b>BENJAMIN</b> 1:6 <b>besides</b> 14:1 50:4 111:2 175:15 <b>BESSIAKE</b> 2:4 <b>best</b> 20:23 32:23 44:8 50:12 74:6 78:20 79:14 87:16 104:3 147:3 148:25 158:3 161:8 182:21 <b>better</b> 102:15 142:6 153:22 164:23 180:14,17 182:16 <b>bigger</b> 120:15 <b>bill</b> 7:9 50:24,25 51:1,2 53:3,17,18 55:14,20 58:8,12,16,17 59:16,17 60:9 63:25 64:4,8,10,16 65:23
---	---	--

66:15 74:3 76:9 82:11,15,16 83:13,15,17,20 84:19 85:5,13 87:5 88:12,23 89:6,15,25 91:14,17,24 92:3,7,17 110:7 114:3 127:7 136:13,19,25 137:7,9,15,18 139:1 141:17,22 149:3,14,15 152:14,22,25 153:9 155:10 156:2 158:15 159:19,22 160:2 161:16,19,24 162:1,5 164:8,9,22 165:2 177:2 <b>billboard</b> 126:5 <b>bills</b> 45:14 53:1,9 54:17,20,24 55:2 58:10,14,22 59:6,16 73:14 152:22 158:24 159:1,24 161:17,19 <b>birth</b> 34:3 97:10,13,16,18,22 98:6,10 122:4 <b>bit</b> 28:1 43:3 52:17 84:12 164:23 <b>black</b> 103:8 <b>blank</b> 74:7 <b>Bledsoe</b> 14:2,6 26:6,7,15,19 39:25 45:25 46:22 49:18 50:2,3,4 60:7 61:5,6,14 69:21 71:9 77:19 154:4 157:25 <b>blueprint</b> 150:8 <b>Board</b> 147:11 <b>body</b> 23:14,17 158:17 162:25 <b>bogged</b> 156:12 <b>book</b> 144:17 <b>born</b> 30:8 97:23 98:5	<b>borrowing</b> 162:12 <b>boss</b> 50:7 <b>bosses</b> 50:8,9 <b>bottle</b> 107:18 <b>bottom</b> 109:19 176:11 177:1 <b>bounds</b> 160:18 <b>box</b> 5:20 172:6 <b>brain</b> 32:5 <b>branch</b> 21:17,19 22:1,2,13 23:3,4,6,7,12 35:10 37:17 38:2 115:4 170:7 175:1 <b>branches</b> 3:1 5:2 7:7,11 20:16,20,22 21:4,7,13,15,23 22:6,16 23:15,21,24 24:2,7,13,14,20,21 25:16 26:9,10,18,23 27:1,19 28:13,17 37:15 43:1,7 44:2 49:14 51:13,16,20 81:18 <b>break</b> 12:21,23,25 52:4 122:22 128:16 183:4 <b>Brenham</b> 172:14 <b>Brennan</b> 90:7 110:2,15 <b>BRICKNER</b> 1:6 <b>briefly</b> 29:24 52:20 62:8 75:8 <b>bring</b> 15:12 54:16 150:18 171:9 <b>bringing</b> 18:1 <b>brings</b> 152:22 <b>broadcast</b> 42:10 <b>broke</b> 52:13 <b>brought</b> 55:2 151:21 152:25 158:21 <b>budget</b> 60:15	61:7,12,16,19,21 86:12 141:25 <b>budgeting</b> 60:13 69:6 <b>bunch</b> 146:24 <b>burden</b> 97:25 98:15 105:3 117:16 119:20 120:5,15,23,24 130:9 <b>burdens</b> 111:21,23 112:2,11 116:5,21 117:7,22,24 119:6,8 121:3,7,10 130:19 <b>burdensome</b> 119:12 <b>Bureau</b> 114:16 <b>BURNS</b> 1:4 <b>bus</b> 117:13 145:24 <b>business</b> 37:18 39:9,19 57:24 67:10 161:7 <b>buy</b> 145:24 <b>buying</b> 141:18 <hr/> C <hr/> <b>California</b> 5:5 <b>campuses</b> 29:8 <b>cancel</b> 179:7 <b>candidate</b> 43:20,23 <b>candidates</b> 44:14,19 <b>capable</b> 42:17 <b>capacity</b> 2:11,13 3:6,8,18,19 27:4 95:23 187:8 <b>Capitol</b> 52:24 54:2 60:4 <b>caption</b> 187:3 <b>car</b> 117:12 <b>card</b> 30:18 31:7,9 32:4,11,12,16,19 33:18 64:18,20 94:3,22 95:1 121:5,11 131:1 134:2,6 141:15,16,19
---	---	---

<p>145:16 186:13</p> <p><b>card-carrying</b> 34:16</p> <p><b>cards</b> 172:5</p> <p><b>care</b> 39:12 101:22 163:5</p> <p><b>carefully</b> 166:11</p> <p><b>carpool</b> 117:14</p> <p><b>CARRIER</b> 1:4</p> <p><b>carry</b> 52:22</p> <p><b>carrying</b> 33:18</p> <p><b>case</b> 1:4 2:3 3:3,12 8:3,4 10:15,17 12:7 13:16,17 14:7,17 15:5,10 41:1,5,10 47:8,16 63:13 113:19 138:19 143:12 144:7 147:10,25 174:6</p> <p><b>cases</b> 41:7,13,16</p> <p><b>casting</b> 82:15</p> <p><b>catch</b> 117:13</p> <p><b>categories</b> 104:15 107:22</p> <p><b>category</b> 104:5</p> <p><b>Caucus</b> 3:2 7:11</p> <p><b>cause</b> 4:9 53:6 82:12 187:10</p> <p><b>causing</b> 82:11</p> <p><b>caution</b> 39:23 76:21 174:3,9</p> <p><b>Census</b> 114:16</p> <p><b>Center</b> 90:7 110:2,15</p> <p><b>central</b> 23:1,14,16 24:12 27:21 37:14</p> <p><b>centrally</b> 22:6 43:6</p> <p><b>certain</b> 17:20 57:16 67:15 104:4 123:22 166:9 170:6 181:3</p> <p><b>certificate</b> 6:8 65:3 95:4,8 97:10,13,16,19,22</p>	<p>98:6,10 122:4</p> <p><b>Certified</b> 187:2</p> <p><b>certify</b> 187:3,8,10</p> <p><b>cetera</b> 21:24 22:3 151:4</p> <p><b>chair</b> 46:8 62:11</p> <p><b>chairs</b> 25:15,23,25 26:1,3,4,5 27:16 38:2 39:12 53:15 150:4</p> <p><b>challenge</b> 87:11</p> <p><b>challenges</b> 68:23</p> <p><b>challenging</b> 63:24</p> <p><b>chamber</b> 53:18</p> <p><b>chance</b> 17:12 104:23 108:20,22 138:9</p> <p><b>change</b> 53:5,23,25 62:13 70:8,12 127:20 161:6 163:7 178:1 182:24 185:4</p> <p><b>changed</b> 152:16,21 153:1 158:11,12,23 161:1 179:19 180:7</p> <p><b>changes</b> 47:24 54:17 84:14 102:14 156:2,19 158:7 160:12,17,22,25 161:15 162:1,3,8 165:12 177:3 180:12 185:1</p> <p><b>changing</b> 152:4 164:20 166:1</p> <p><b>chapter</b> 38:10</p> <p><b>chapters</b> 38:4</p> <p><b>charge</b> 51:16 61:2,15</p> <p><b>charged</b> 95:17</p> <p><b>check</b> 16:8 30:20 36:6,9 49:2,4</p> <p><b>checking</b> 36:9</p> <p><b>children</b> 109:8</p> <p><b>choice</b> 142:10</p>	<p>144:15,19,25 146:6</p> <p><b>choose</b> 139:9 140:12,24 141:2,17 144:9,13,16</p> <p><b>choosing</b> 142:9 146:14,18</p> <p><b>Christi</b> 1:2 68:9</p> <p><b>churches</b> 126:7</p> <p><b>circuit</b> 150:20</p> <p><b>circumstances</b> 138:23</p> <p><b>cities</b> 22:6,14 23:8 39:13</p> <p><b>citizen</b> 30:10,18 109:21 120:21,22 131:19 133:5,7 134:15 165:14</p> <p><b>citizens</b> 1:7 36:5 82:14 103:23 109:5,7,17,20 111:20,23 112:4,13 113:2,3 114:2,4 116:8 117:24,25 118:18 119:9,11 124:8 127:19 129:8,14 131:5,7 132:9,10 133:24,25 144:9</p> <p><b>citizenship</b> 64:20 95:4,8</p> <p><b>city</b> 22:12 23:2 37:16,24 38:15 39:14 51:8,9 98:14 115:1,20</p> <p><b>Civil</b> 1:3 2:1 3:1,11 4:15 5:14</p> <p><b>claim</b> 91:11 97:9 99:12 100:18 104:11 111:4 112:9,16 113:15,21 115:13 119:16 123:7,10 131:3 132:22 133:1</p> <p><b>claiming</b> 83:18 125:1 131:24</p>
--	--	---

<b>claims</b> 19:13 82:6 108:5 <b>clarification</b> 12:13 145:4 171:15 183:5 <b>clarify</b> 18:4,11,13 21:9 111:6 140:6 168:19 171:22 183:25 <b>CLARK</b> 2:3 <b>clear</b> 10:6,8 34:1 63:18 64:3 90:18 <b>clearance</b> 51:9 <b>clearly</b> 12:8 <b>Clerk</b> 187:11 <b>close</b> 60:7 155:6 <b>code</b> 63:4 <b>coding</b> 62:24 63:1 <b>Cohan</b> 5:7 8:22 47:15,18 <b>coincided</b> 155:16,17 <b>college</b> 29:7 109:2 <b>comes</b> 66:23 83:3 84:10 133:25 179:10 <b>coming</b> 70:14 74:7 100:2 149:11 <b>COMMISSIONERS</b> 2:7 <b>committee</b> 5:20 21:18,22 22:3 24:22,24 25:3,5,6,10,13,15,18 ,22 26:14 27:16 31:15,17 38:2,4 39:12 42:19,22 46:4,6,7,12,21 56:1 60:3 61:7,10,15 77:21 80:10,20,25 84:4 152:17,18 153:9 158:23,24,25 159:1,6,19,20,21,23, 25 163:25 <b>committees</b> 21:22 25:23 53:16 54:23 <b>communication</b> 29:4	51:12,18 59:20 124:18 <b>communications</b> 39:24 76:22 174:5 <b>communities</b> 28:18 114:5,6,10,11 125:23 <b>community</b> 28:22 35:22,25 43:14 49:15 53:6,7 67:17 84:5,9 85:23 103:3,17 114:23 115:5,6 120:12 121:17 125:15,17 126:4,6,7 128:2 147:5 151:25 169:20 <b>company</b> 178:23 <b>compared</b> 103:6 119:11 120:13 129:2 132:10 173:11 <b>compile</b> 59:18,25 150:9 <b>compiling</b> 86:12 <b>complaint</b> 7:6 19:9,13 76:17 77:6 81:17,21,24 82:20 85:24 89:16 96:5,24 111:2,11,12,13 130:23 134:17 135:2,21 138:19 156:5 <b>complete</b> 100:11 102:9 <b>completely</b> 172:25 173:4 179:2 <b>completing</b> 101:3 <b>compliance</b> 82:16 <b>compound</b> 144:20 <b>comprised</b> 23:20 24:20 26:15 <b>comprising</b> 61:11 <b>computer</b> 128:8 <b>concealed</b> 64:22,23 94:5,10,13	<b>conceding</b> 144:8 <b>concentrated</b> 22:25 <b>concern</b> 35:25 51:1,2 151:25 152:2,5 156:4 157:20 161:4 174:21 <b>concerned</b> 159:14 <b>concerning</b> 160:25 <b>concerns</b> 39:15 54:16 151:20 153:17,19 154:7,17 155:21,24 156:18 163:8,11,23 164:1,3,21 165:3,13 166:1 167:8,11 168:12,15 170:13 172:19 174:24 <b>concluded</b> 184:9 <b>conclusion</b> 74:18 75:14,23 90:5 113:25 139:19 <b>conduct</b> 90:22 126:13 <b>conducted</b> 113:11 170:17 175:8,12 <b>conducting</b> 150:23 <b>conducts</b> 150:25 <b>conference</b> 3:1 5:2 7:7,11 8:13 20:16,20 23:17,20,24 24:16,17,19,23,25 25:3,17,22,24 26:15,25 27:4,13,20,22 37:19 43:6 72:9,10 81:18 91:2 <b>conferences</b> 44:13 62:3 <b>confirm</b> 102:9 113:12 <b>confirming</b> 134:1,4 <b>confirms</b> 114:2 <b>confused</b> 79:11 142:12 <b>conjunction</b> 95:15 96:7 <b>connection</b> 123:19
---	---	---



<p><b>cons</b> 76:20 77:8</p> <p><b>consequence</b> 146:6,9</p> <p><b>consequences</b> 142:3,5,7,9 146:10,14,17,19</p> <p><b>consider</b> 61:10,19 157:3</p> <p><b>consideration</b> 154:13,18 157:4,12 158:3 186:16</p> <p><b>considered</b> 86:19 122:9 138:22 157:12</p> <p><b>Consolidated</b> 2:3 3:3,12</p> <p><b>constituency</b> 61:20 68:22 69:12 80:13</p> <p><b>constituent</b> 34:21 35:8 44:22 92:5 94:13 174:16,17,20</p> <p><b>constituents</b> 34:18,23 45:22 59:12 61:11 66:14 67:5,12 74:2 75:17,25 92:1 93:3,13 94:3,10,16,22 95:4 127:14 150:21 159:15 167:7 170:13,22 171:2 172:20 173:15 177:8</p> <p><b>constitute</b> 135:10</p> <p><b>constitutes</b> 137:3</p> <p><b>contact</b> 49:7 50:6 175:1</p> <p><b>contain</b> 22:15</p> <p><b>contend</b> 76:8,12 100:20 109:20 111:18 113:1 117:23 119:18 121:21 122:11 124:19 127:18 129:7,14 133:23 134:12 135:10,24 138:15 139:8 144:24 146:5,16 147:15,24 148:3 152:7 153:14</p>	<p>160:16,20 162:2,7 164:13 165:8,14,20 184:1</p> <p><b>contending</b> 82:11 137:2 138:22</p> <p><b>contends</b> 122:10 131:5 140:23 144:12</p> <p><b>content</b> 79:9</p> <p><b>contented</b> 179:23</p> <p><b>contention</b> 82:20,23 90:3 96:19 109:24 110:25 113:5 124:4 127:22 129:18 139:13 152:12 165:24</p> <p><b>contents</b> 103:1</p> <p><b>context</b> 79:12 157:10</p> <p><b>continue</b> 75:3 82:12</p> <p><b>continues</b> 95:16</p> <p><b>continuing</b> 128:18 184:4</p> <p><b>continuous</b> 179:13</p> <p><b>control</b> 10:22 153:1</p> <p><b>controversial</b> 51:4</p> <p><b>convention</b> 39:18 67:2,6,8,9 69:16,22 71:1 72:17,20 84:24 85:9 177:24 178:8 182:14</p> <p><b>conventions</b> 67:21 68:12,15,21 71:19 72:6 73:13,18 74:10 84:21</p> <p><b>conversation</b> 66:8 97:4 149:10 150:3,5 175:4</p> <p><b>conversations</b> 77:1,11,12,13,15 78:18 85:10 105:18 115:2,6 174:10</p> <p><b>convoluted</b> 144:21</p> <p><b>copy</b> 15:23 90:16 97:16,18,22 98:5,11</p>	<p>175:24</p> <p><b>Corpus</b> 1:2 68:9,10 72:18 73:1 74:4,7</p> <p><b>correct</b> 9:25 10:1 15:6 16:22 18:9,10,18 21:6 22:4 23:10 25:24 26:18 27:2,17,20 29:11 33:22 35:11,14 37:5 41:3,14,16 42:21,24 44:1 52:15 56:21 58:22 59:9,10 60:16,17,20 61:16,17 64:6 67:7 68:14,18,25 69:17 70:3,11 71:11 72:10,18,22 73:1 80:2,16 81:25 82:1,8 83:23,24 86:6,7,9,10 102:10 106:7 110:24 111:25 112:5 113:22 115:9 118:19 124:5,6 131:8 132:10 140:5,8,21,25 142:10 156:16,20,23 176:14,24 180:2 186:3 187:7</p> <p><b>correcting</b> 110:13</p> <p><b>correctly</b> 22:5,22 25:18,19 159:12</p> <p><b>cost</b> 97:11,24 98:15 99:9,12,16,18,23 117:8,9 123:23 130:9</p> <p><b>costs</b> 86:24 95:18 97:7,8,15 98:4,7,9 99:11,15,21,22</p> <p><b>counsel</b> 13:3 45:24 46:2,9 47:15 78:8 174:5,10 187:10</p> <p><b>count</b> 64:23</p> <p><b>counted</b> 100:13</p> <p><b>counterparts</b> 120:14</p> <p><b>counts</b> 151:9</p> <p><b>county</b> 1:8 2:6,7 22:7,13 37:16 44:4</p>
--	--	---

<p>98:14 147:11 168:5 169:10 171:23,24 172:1,2,4,10,11 186:8 187:1</p> <p><b>couple</b> 36:12 67:3,17,18 166:3</p> <p><b>couples</b> 167:15,16</p> <p><b>course</b> 38:12 39:9 47:12 51:9 57:9 59:4 62:17 137:18 167:21 179:19</p> <p><b>court</b> 1:1 5:24 8:6 11:21 12:2 144:6</p> <p><b>cover</b> 36:2 70:20 85:14 159:25</p> <p><b>covered</b> 17:15 39:12 70:25 71:6 91:7 127:2,6 139:12</p> <p><b>covers</b> 23:4,7,8 37:18</p> <p><b>crafted</b> 96:16</p> <p><b>Crawford</b> 147:11</p> <p><b>create</b> 18:7 135:18,19</p> <p><b>created</b> 153:8</p> <p><b>credit</b> 36:15</p> <p><b>crime</b> 171:13</p> <p><b>crimes</b> 166:4,24 167:9 168:13,17,22 169:3,8 170:18 171:6 172:21</p> <p><b>CSR</b> 4:11 187:17</p> <p><b>cure</b> 130:4</p> <p><b>current</b> 107:1 116:6 127:3,4</p> <p><b>currently</b> 9:17 173:3</p> <p><b>curriculum</b> 84:13</p> <p><b>cut</b> 93:16 146:2</p> <p><b>cycle</b> 173:22</p> <p><b>cycles</b> 173:6,16</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p><b>daily</b> 49:20 127:16</p>	<p><b>Dallas</b> 1:8 68:2 72:21 74:4</p> <p><b>data</b> 90:8,9,15 102:18 107:21 108:10,13 110:1,2,14 111:1,7 113:6,12,15,21 114:15,19 118:5 137:15 138:1,2 150:9 157:18,21 158:2,5</p> <p><b>date</b> 34:2 51:7 55:10 88:21 173:1 185:3 187:18</p> <p><b>day</b> 4:10 30:8 47:24 48:25 49:1 90:1 100:12 155:1,4,19 179:14 186:10,19 187:13</p> <p><b>days</b> 70:19 100:16 101:11,23 102:2,8 158:16 160:3</p> <p><b>deal</b> 33:3 69:2,10,25 70:1 98:18,21 99:17 148:23 180:2</p> <p><b>dealing</b> 35:13 50:16 70:16</p> <p><b>debate</b> 153:7</p> <p><b>debates</b> 53:12</p> <p><b>December</b> 187:18</p> <p><b>DECHERT</b> 5:4,8</p> <p><b>decide</b> 60:18 71:10 74:15 131:20,22 132:14 133:15 145:18</p> <p><b>decided</b> 61:7 129:20</p> <p><b>decides</b> 130:15,24 134:18</p> <p><b>decision</b> 76:24 80:3,15,18,20 86:13 133:22 145:12,25</p> <p><b>decision-making</b> 50:13,19 71:10</p> <p><b>decisions</b> 67:11</p> <p><b>declaratory</b> 7:6 81:17</p>	<p><b>decreased</b> 180:7</p> <p><b>defend</b> 74:25</p> <p><b>defendants</b> 1:13 2:15 3:10,21 4:8 5:17 7:12 8:3 15:5 20:2 143:2</p> <p><b>defending</b> 75:16</p> <p><b>defer</b> 135:1</p> <p><b>define</b> 38:25 40:16 45:13 66:19 103:15 118:22</p> <p><b>defined</b> 171:13</p> <p><b>definitely</b> 177:7</p> <p><b>definitions</b> 166:8,10,21 171:18</p> <p><b>degree</b> 89:8 118:25</p> <p><b>degrees</b> 40:18</p> <p><b>DEL</b> 3:14</p> <p><b>DELEON</b> 1:3</p> <p><b>demonstrating</b> 104:14</p> <p><b>denial</b> 138:17,24</p> <p><b>deny</b> 135:11 136:19 137:3,9 138:16</p> <p><b>Department</b> 2:13 3:8,20 5:15 9:1</p> <p><b>depend</b> 121:14,15,18</p> <p><b>depending</b> 12:22 21:19 29:19 38:10 43:18 64:19 98:18,19 149:23</p> <p><b>depends</b> 50:15 170:3</p> <p><b>deposed</b> 10:10,13 14:22 176:1</p> <p><b>deposition</b> 4:2,7 7:3,13 8:7 10:2,22 11:18 13:11,14 15:1,6,16 16:19 19:4 47:13 175:25 176:1,3,18,24 177:16 184:9 185:3 186:1 187:6,7,9</p>
--	--	---

<b>depth</b> 103:19 <b>describe</b> 29:24 34:20 48:25 50:13,17 52:21 62:8 99:20,22 177:18 <b>described</b> 138:23 160:13 162:9,18 <b>description</b> 48:8 186:13 <b>deserve</b> 71:8 85:5 <b>designated</b> 17:14 18:22 <b>despite</b> 88:22 <b>determination</b> 107:9 <b>determine</b> 107:5 134:9 <b>detriment</b> 88:8 <b>development</b> 39:13 84:4 <b>devoting</b> 99:24 100:1 <b>DFW</b> 22:15 68:5,6 <b>difference</b> 29:25 34:20 141:13 146:24 147:1 <b>differences</b> 148:10 <b>different</b> 21:23 28:15,24 29:22,25 30:5,6 33:1 39:11 41:7 49:5 57:15 67:13,14,15 69:11,18 72:10,11 83:8 84:15 90:8 105:1 107:14 118:6 130:1 131:11,20 132:4 143:20 153:18 178:2,6,16,21,23 179:1 <b>differential</b> 116:5,21 117:7 118:24 119:6,7 128:25 130:19 <b>differently</b> 117:24 130:15 133:25 134:15 <b>difficult</b> 139:6 <b>difficulties</b> 115:17	135:22 <b>difficulty</b> 101:10 <b>digital</b> 123:18 <b>direct</b> 164:18 <b>direction</b> 187:6 <b>directly</b> 82:19 83:20 162:12 174:16 175:2 181:10 <b>Director</b> 2:13 3:8,19 <b>disabled</b> 109:8 <b>disadvantage</b> 129:1 <b>disclosures</b> 47:4 <b>discount</b> 32:4,16 <b>discovery</b> 18:14 <b>discretion</b> 38:9 128:24 131:22 132:20 133:11,14,21 134:20 <b>discretionary</b> 129:9,15 130:22 131:6 134:13 <b>discriminate</b> 152:9 153:15 <b>discriminatory</b> 156:18 164:14 165:9,15 178:22 <b>discuss</b> 41:4 76:20 77:8 <b>discussed</b> 39:7 40:8,10,21 41:5 78:17 79:6 95:12 127:7 135:18 <b>discussing</b> 100:8 <b>discussion</b> 39:21 79:18 153:7 <b>discussions</b> 40:2,12,15 41:13 79:9 <b>disenfranchise</b> 149:15 <b>disfranchisement</b> 144:7	<b>dismiss</b> 7:12 143:2 <b>disparate</b> 118:10,14,24 123:4 124:3,20 125:3,7 <b>disparity</b> 134:8 <b>disposal</b> 162:4,15 <b>disproportionately</b> 118:4 119:10 129:1 <b>distance</b> 101:13 <b>distances</b> 117:11 <b>District</b> 1:1 8:5 44:4 <b>diversion</b> 179:12 183:23 <b>divert</b> 82:12 177:9 178:2 179:24 181:9,16 <b>diverted</b> 83:2,15,19 87:6,18 88:7 178:15 179:17 <b>Division</b> 1:2 5:14 <b>document</b> 15:21,24 16:2,12,14,22 19:24 20:1,4,12 81:9,13 82:3,5 95:10 98:2,3,9 112:20 116:16 118:21 122:5 132:12 135:16 136:10,14,16 142:17,22 143:4,6,11,14,16,23 145:22 186:13 <b>documents</b> 13:13 15:4,8,12 65:8,10,13 93:3,7,14 95:19 97:8,11 105:4 110:7 113:9 117:10 120:18 121:24 130:14 135:21,23 138:7 139:5 145:20 <b>Dodson</b> 46:23 <b>DOJ</b> 90:11 <b>done</b> 12:5 28:16 45:4 48:13 63:16 70:7
---	--	---

83:10 85:25 89:2 90:7,9 91:1 100:2 113:24 114:16 123:17 127:4 152:14 165:19,25 181:5 <b>double</b> 182:15 <b>doubt</b> 114:19 <b>DPS</b> 65:7,21 95:13 98:13,14,24 99:1 115:25 121:15,16 138:6 <b>draft</b> 62:11 116:16 <b>drawn</b> 113:21 <b>dreams</b> 150:1 <b>drive</b> 44:23 172:15 <b>driver</b> 48:12 <b>driver's</b> 64:18 65:7 93:21,23 <b>drives</b> 28:17 43:10,12 44:21 <b>drum</b> 43:14 <b>due</b> 89:14 147:2 <b>dues</b> 30:22,24 31:4,5 34:22 <b>duly</b> 4:8 9:4 187:5 <b>during</b> 40:11,14 41:12 45:11 48:1 50:23 54:2 55:8,10,11,12,21 56:1,8,10,12,16 57:1,10,20,25 58:1 64:5 79:15 88:9 100:5,12 136:25 149:25 151:2,4 154:8,13,18 155:1 158:2 167:12 <b>duties</b> 52:22 59:4 62:9 <b>duty</b> 58:21 139:20 <hr/> E <hr/> <b>earlier</b> 41:11 42:25	95:13 118:5 135:18 151:3 177:22 <b>earliest</b> 161:9 <b>early</b> 90:1 100:12 155:16 <b>easier</b> 12:5 182:16 <b>east</b> 37:23 114:9 <b>easy</b> 60:7 <b>economic</b> 39:13 84:3,4 120:21 <b>ed</b> 84:11 <b>educate</b> 58:25 59:11 65:24 66:13 74:2 83:10 124:8 <b>educated</b> 68:22 127:19 <b>educating</b> 73:20 82:14 84:5 180:14,19 <b>education</b> 2:3 21:24 73:19 84:9 85:17 178:19 <b>effect</b> 16:17 90:23 109:17 177:2 <b>effective</b> 70:10 172:25 173:1,4 <b>effects</b> 154:8 <b>effort</b> 43:14 <b>efforts</b> 113:11 <b>EIC</b> 64:18,25 65:4,5 95:12,16,17,20 96:2,7,9,13,17,20 97:12 98:7 175:13 <b>eight</b> 163:2 <b>either</b> 73:11,12 117:13 122:25 149:22 154:20,21 163:16 170:8 173:16 179:7 180:7 187:10 <b>elderly</b> 109:9 167:15,16 168:6 <b>elect</b> 26:10 <b>elected</b> 24:21	25:14,22,23 26:2,9,17,23 38:1 <b>election</b> 65:2 90:1 100:12,16 123:2,9 124:4 125:2 127:25 128:24 130:24 133:24 134:9,14,18 144:25 147:1,11 159:21,23,25 166:4,23 167:9,25 168:13,17,21 169:3,9 170:5,18 171:6,13 172:9,10,21 173:6,16,22 <b>elections</b> 44:3,6 173:11 <b>elects</b> 26:8 <b>eligible</b> 139:9 144:9,12 <b>Ellis</b> 151:12,17 <b>else</b> 11:12 14:19,25 15:15 19:5 34:8 50:3 54:5 63:9 83:23 85:15 99:25 108:4 111:3 140:13 150:17 157:25 161:6 167:8 172:18 182:9 <b>elsewhere</b> 97:20 181:11 <b>email</b> 49:10 59:25 60:9 175:3 182:2,3,4 <b>emails</b> 29:3 49:3 66:9 <b>emergency</b> 153:3,5 159:18 160:4 161:23 <b>empirical</b> 102:18 <b>employ</b> 187:9 <b>employed</b> 9:18,20 46:13 <b>employee</b> 187:9 <b>employment</b> 48:18,20 56:3 <b>enacted</b> 83:17 136:25 151:6 152:8 153:14
---	---	--

<p>164:14 168:3 179:20 181:6</p> <p><b>enactment</b> 83:13 89:15 165:22 173:7 177:21 179:14 180:8</p> <p><b>encapsulated</b> 137:24 170:25</p> <p><b>encompassed</b> 160:1</p> <p><b>encompasses</b> 99:15</p> <p><b>encounter</b> 111:21,23 112:1,11</p> <p><b>encountered</b> 168:16,19</p> <p><b>encounters</b> 168:18</p> <p><b>encourage</b> 28:22 44:13</p> <p><b>encouraged</b> 28:22</p> <p><b>endorse</b> 43:22 44:19</p> <p><b>energy</b> 84:17 87:3</p> <p><b>enforcement</b> 63:25</p> <p><b>engage</b> 43:2,7,9,13 44:13,20 45:2,10,19</p> <p><b>enjoy</b> 38:15 53:13</p> <p><b>ensure</b> 74:25 75:18 123:15</p> <p><b>entails</b> 59:16 177:8</p> <p><b>enter</b> 32:24 34:4</p> <p><b>ENTERO</b> 3:14</p> <p><b>entire</b> 23:4 37:19</p> <p><b>entirely</b> 33:9</p> <p><b>entity</b> 24:20</p> <p><b>environment</b> 67:16 115:15</p> <p><b>envisioning</b> 22:24</p> <p><b>especially</b> 54:8</p> <p><b>ESPINOSA</b> 3:12</p> <p><b>established</b> 107:25 140:17</p> <p><b>ESTELA</b> 3:12</p> <p><b>estimate</b> 21:1,2</p>	<p>25:4,7</p> <p><b>ESTRADA</b> 3:12</p> <p><b>et</b> 21:24 22:3 151:4</p> <p><b>EULALIO</b> 3:11</p> <p><b>EVELYN</b> 1:6</p> <p><b>event</b> 31:20 67:1</p> <p><b>events</b> 28:24 31:12,14 36:18 45:20,21 66:12 126:7 127:3,4</p> <p><b>everybody</b> 123:15 128:8,12</p> <p><b>everyone</b> 52:3</p> <p><b>everything</b> 12:8 99:5 126:24 158:19 161:2,6</p> <p><b>evidence</b> 164:18 165:6</p> <p><b>exact</b> 20:25 37:24 55:10 81:14</p> <p><b>exactly</b> 132:6 176:2 177:17</p> <p><b>Examination</b> 6:6,7 9:5 183:20</p> <p><b>example</b> 35:19 87:10 133:2 175:14</p> <p><b>examples</b> 57:17 87:13</p> <p><b>except</b> 186:3</p> <p><b>exchanged</b> 54:15</p> <p><b>executed</b> 186:15</p> <p><b>executive</b> 21:17,21 22:3 24:22,24 25:3,5,6,10,13,17,21 26:14 31:15,16,17 38:2 42:19,22 46:11 48:3,9,11,12 60:3 61:7,15 77:21 80:9,19,20,24</p> <p><b>exercise</b> 74:23 134:13 140:10,20</p> <p><b>exercised</b> 140:11</p> <p><b>exercises</b> 139:25</p>	<p><b>exhibit</b> 7:1,3,4,6,8,10,13 15:21,22 19:19,21,22 81:5,7 136:7,9 142:13,15 166:17 175:19,21</p> <p><b>exist</b> 121:4,10 144:19</p> <p><b>existing</b> 129:9,16 130:22</p> <p><b>exists</b> 144:16</p> <p><b>expend</b> 180:20 181:15</p> <p><b>experience</b> 11:18 88:3</p> <p><b>Expiration</b> 187:18</p> <p><b>explain</b> 116:13</p> <p><b>express</b> 154:17 164:12 174:21,24</p> <p><b>expressed</b> 20:12 154:12,14 155:24 163:9 168:12,15 170:13,22 171:3 172:19 186:17</p> <p><b>expressing</b> 167:8</p> <p><b>extent</b> 48:24 87:21 88:1 96:24 122:10 147:19 177:11</p> <p><b>extra</b> 145:13,19,21 146:4 182:14</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p><b>face</b> 120:4</p> <p><b>Facebook</b> 36:20,25 62:20,21,22</p> <p><b>faces</b> 119:20</p> <p><b>facility</b> 72:7</p> <p><b>facing</b> 68:23 70:24</p> <p><b>fact</b> 70:8 76:25 82:24 96:17 105:11</p> <p><b>facts</b> 187:3</p> <p><b>factual</b> 19:12</p> <p><b>Fair</b> 144:22</p> <p><b>fairly</b> 63:8 85:10</p>
--	--	---



<p>104:19,20</p> <p><b>fairs</b> 45:20</p> <p><b>fall</b> 129:8,15 131:6</p> <p><b>familiar</b> 19:8 33:9 64:7 78:24 79:5 81:12 103:13,15,18 127:15 147:6,9</p> <p><b>family</b> 36:6 100:4 101:22,23</p> <p><b>fan</b> 62:20</p> <p><b>fast</b> 12:10</p> <p><b>fast-track</b> 153:10 160:2 163:25</p> <p><b>fast-tracked</b> 153:6</p> <p><b>February</b> 155:16</p> <p><b>federal</b> 4:14 8:6 114:16</p> <p><b>fee</b> 29:19 30:21,23,24 33:21 95:16</p> <p><b>feed</b> 101:22</p> <p><b>feel</b> 18:25 19:11 53:23 74:23 114:13 154:6,10,11,16 155:23 157:10</p> <p><b>feeling</b> 11:1,3</p> <p><b>feelings</b> 53:20</p> <p><b>feels</b> 48:16 159:12</p> <p><b>fees</b> 34:22 121:24</p> <p><b>felt</b> 154:14,15</p> <p><b>field</b> 113:25 114:21 175:8,11</p> <p><b>fields</b> 84:15</p> <p><b>fight</b> 86:3</p> <p><b>figure</b> 8:14 24:11 101:19</p> <p><b>figures</b> 103:22</p> <p><b>file</b> 76:24</p> <p><b>filed</b> 7:7 19:9 53:3 81:17 143:7,23</p>	<p>187:11</p> <p><b>filing</b> 76:16 77:6</p> <p><b>fill</b> 29:18 32:20 33:20</p> <p><b>final</b> 50:18 72:16</p> <p><b>finally</b> 108:23</p> <p><b>finance</b> 21:23 36:12</p> <p><b>financial</b> 60:19 61:8 69:4 82:13,25 83:4,18 84:8 85:4 97:25 99:12,16,21 101:15 117:9 178:20 179:17,21 180:1</p> <p><b>financially</b> 130:10</p> <p><b>financial-wise</b> 178:1</p> <p><b>fine</b> 10:25 12:15 16:6 51:7 52:5 92:13 100:25 102:7 109:13 122:23 143:19 148:25</p> <p><b>finish</b> 12:3</p> <p><b>finished</b> 11:25</p> <p><b>finite</b> 86:9</p> <p><b>Firm</b> 187:19</p> <p><b>first</b> 8:12 9:4 28:11 39:4 55:11 75:9 93:12 110:20 187:5</p> <p><b>five</b> 52:7 56:25 176:16</p> <p><b>fix</b> 102:15 130:11</p> <p><b>fixed</b> 141:25</p> <p><b>flag</b> 157:22</p> <p><b>flat</b> 137:14 179:8</p> <p><b>flip</b> 128:9</p> <p><b>flipped</b> 169:11</p> <p><b>floor</b> 5:5 8:13 53:12 160:4</p> <p><b>FLOYD</b> 1:4</p> <p><b>FM</b> 126:20</p> <p><b>focus</b> 69:24 84:2,12 86:1 87:3 97:13</p>	<p>100:8 128:23 178:6,14</p> <p><b>focused</b> 54:23 83:6 178:6,17</p> <p><b>focusing</b> 84:9,16 111:15 118:15 130:21,22</p> <p><b>folks</b> 28:23 32:25 53:8 64:2 84:13 85:21 125:23 126:8 129:25 152:15 159:7 167:22,24 168:3 170:6 181:24</p> <p><b>follow-up</b> 169:24</p> <p><b>follow-ups</b> 170:2</p> <p><b>force</b> 144:8</p> <p><b>forces</b> 139:9 140:24 144:12</p> <p><b>foregoing</b> 186:1,14 187:4,6</p> <p><b>forgot</b> 16:8 169:7</p> <p><b>form</b> 33:1,4 91:16,24 92:2,6,21,24 93:4,8,17 106:3,14,25 107:6,8,12 108:7,14,19 109:21 112:6 113:2 114:3 115:8 120:5,24 121:8 124:22 133:9 136:22 138:19 140:14 143:13 144:20 180:10</p> <p><b>formal</b> 90:25 150:19</p> <p><b>formed</b> 159:17,19</p> <p><b>forms</b> 64:12,13,15 65:8,10 66:9 84:6 89:24 90:13 91:14 100:14 104:25 111:19 119:13,21 122:5 126:1 139:4,6 151:23 172:5,6</p> <p><b>forth</b> 163:4 187:6</p> <p><b>fortunate</b> 155:11</p>
--	---	---

<b>forward</b> 36:11 77:16,23 152:5 156:2 157:20 <b>fraud</b> 157:17 159:21,23,25 166:5,24 167:9 168:13,17,22 169:3,7 170:18 171:6,13 172:20 <b>free</b> 64:19 65:1 98:2 122:3 138:11 141:15 145:22 <b>friend</b> 182:21 <b>front</b> 95:10 136:24 137:8 166:15 <b>frying</b> 155:7 <b>fulfill</b> 43:2 76:9,13,15 88:14,16,20,22 89:1,7 <b>fulfillments</b> 68:24 <b>full</b> 9:8 28:5 163:15 187:7 <b>full-time</b> 56:23 <b>functions</b> 83:25 <b>fund</b> 2:3 178:3 <b>funding</b> 123:15 128:3,4 <b>fundraising</b> 43:7 <b>funds</b> 138:12 <b>funny</b> 53:11 <b>future</b> 116:9 118:19 <b>FYI</b> 49:11 <hr/> G <hr/> <b>gain</b> 59:19 <b>GANDY</b> 1:7 <b>GARCIA</b> 3:12 <b>Gary</b> 14:2,6 27:8 46:22 49:3,7,17 50:2,3,4 53:15	54:3,7,8,24 60:7 61:4,5,6,14 77:19 85:10 149:10 150:4,12 154:4 155:3,12 163:10 <b>Gary's</b> 165:4 <b>gauge</b> 108:9 115:5,8 <b>gauging</b> 150:21 <b>geared</b> 67:4 73:20 <b>general</b> 4:13 5:19 8:2,12 21:1 41:15 46:2 57:8 64:10 67:5,12 79:8,9,10 <b>generally</b> 19:17 34:20 37:25 38:1,3,20,21 39:6 40:2 115:7 159:6 <b>gets</b> 132:8,13 <b>getting</b> 36:15 60:2 81:19 96:15 97:15 98:2,15 113:9 117:9 121:11,25 123:14 178:9 181:12 182:10,16 <b>gist</b> 167:2 <b>given</b> 38:11 40:14,19 41:23 71:11 86:19 131:24 154:16 182:23 186:18 187:12 <b>giving</b> 15:23 42:4 <b>Glad</b> 38:15 <b>gladly</b> 12:13 <b>gleaned</b> 58:24 131:3 <b>goal</b> 43:15 <b>goals</b> 150:1 <b>God-given</b> 75:3 <b>gone</b> 130:19 <b>GORDON</b> 1:6 <b>gotten</b> 49:3 63:2 <b>governance</b> 46:13	<b>governing</b> 23:14,17 <b>government</b> 114:16 <b>governor</b> 1:11 153:4 159:18 161:23 <b>governs</b> 24:12 <b>grab</b> 125:23,25 <b>grade</b> 60:23,24,25 <b>grammar</b> 110:13 <b>Grapevine</b> 68:4 <b>grasping</b> 182:6 <b>great</b> 40:17 90:11 98:18,20 99:17 104:23 138:9 <b>greater</b> 108:20,22 110:11 118:1,4,9 <b>greatly</b> 110:9 <b>green</b> 30:18 <b>ground</b> 8:13 10:22 11:17 <b>group</b> 62:20 119:19 120:3,14 135:13 136:21 137:5,11 162:23 165:22 179:1 <b>groups</b> 57:2,7,12,15,18 78:21 120:11 137:17 153:2,18 162:22 <b>guess</b> 21:2,11 24:3,5 27:3 34:9 38:9,11,23,25 40:16 46:4,10 49:6 50:15,20 52:25 56:24 58:14 59:24 60:2,6 67:10 72:14 75:16 76:6 79:11 84:11 88:19 89:2 90:13,14 101:2,17 104:17 108:15 114:5,21 116:1,25 118:22 119:1 120:16 121:14 122:18 125:17 129:19,21 131:11 135:18 150:8 151:23
---	--	--

<p>155:25 157:7,17 170:3 181:12</p> <p><b>guest</b> 38:7</p> <p><b>guidelines</b> 133:19</p> <p><b>guys</b> 134:21</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p><b>HAMILTON</b> 1:3</p> <p><b>Hammond</b> 57:25</p> <p><b>hand</b> 186:18 187:12</p> <p><b>handgun</b> 64:22,24 94:5,10,13</p> <p><b>hanging</b> 81:6 136:8 142:14 175:20</p> <p><b>handle</b> 33:1 48:1,2 62:3,17 67:15</p> <p><b>handy</b> 156:6</p> <p><b>hang</b> 155:14</p> <p><b>happen</b> 51:21 102:12 133:4 137:17 149:13,14,21,24,25 155:14</p> <p><b>happened</b> 76:24,25 155:18 169:16,17,18</p> <p><b>happens</b> 18:14 85:23 148:17</p> <p><b>harassing</b> 167:18 170:6</p> <p><b>hard</b> 72:2 160:7</p> <p><b>harder</b> 120:15</p> <p><b>hardship</b> 101:15</p> <p><b>harm</b> 74:21 118:25 137:16 151:24 165:21 184:2,4</p> <p><b>harmful</b> 53:9 64:1 76:11,12,14 139:2</p> <p><b>Harris</b> 168:5</p> <p><b>hat</b> 63:11</p> <p><b>hats</b> 48:4,8 52:13</p> <p><b>haven't</b> 32:21 33:7,8</p>	<p>103:19 168:23 181:18</p> <p><b>having</b> 9:4 39:14 75:4 98:14,17 101:10 102:16 105:17 115:14 122:5 126:6,8 130:6 138:5,6,14 141:17 145:23 153:7 163:5,17 178:5 179:2,24 182:17</p> <p><b>head</b> 11:22,23 25:9 39:17 58:6 65:15 92:22 111:13 126:17 168:9,10 182:10</p> <p><b>heading</b> 17:1</p> <p><b>heads</b> 61:3</p> <p><b>health</b> 39:12,13</p> <p><b>hear</b> 16:5,6 41:9 126:10 165:5 170:6</p> <p><b>heard</b> 10:19 53:18 75:19 152:15,19 154:8,10,12,15 159:22</p> <p><b>hearing</b> 56:2 132:15 152:1 154:23 155:15 159:9</p> <p><b>hearings</b> 158:25</p> <p><b>held</b> 13:18 37:9,11,14,21 66:12,17,21 67:21,24 68:1,7,12,20 72:7 73:13,15,19 74:1 76:19 77:7</p> <p><b>he'll</b> 71:15,16</p> <p><b>help</b> 34:25 35:1,4,9 36:14 62:2 69:13 100:4 105:3 177:11 178:8</p> <p><b>helped</b> 153:9</p> <p><b>helping</b> 70:17</p> <p><b>hereby</b> 186:2 187:3</p> <p><b>Here's</b> 60:9,10 123:24 150:12,13</p>	<p><b>hereto</b> 4:16 187:3</p> <p><b>HERMAN</b> 1:6</p> <p><b>herself</b> 178:13</p> <p><b>he's</b> 14:9,11 54:25 62:13 143:17</p> <p><b>Hey</b> 49:11 53:3 69:5 126:8 131:17 133:19 169:16</p> <p><b>HIDALGO</b> 2:7</p> <p><b>high</b> 29:12,13</p> <p><b>higher</b> 111:22</p> <p><b>hindered</b> 89:3</p> <p><b>hindering</b> 89:4</p> <p><b>hinders</b> 85:21 88:15,17,18 89:1</p> <p><b>hindrances</b> 75:5</p> <p><b>Hispanic</b> 2:6 103:7 165:2</p> <p><b>history</b> 74:24</p> <p><b>hit</b> 160:3</p> <p><b>hitting</b> 123:20</p> <p><b>Hmm</b> 73:6</p> <p><b>hold</b> 31:12 35:1 37:6 67:9 90:13 128:19</p> <p><b>home</b> 99:8 172:4</p> <p><b>hopes</b> 150:1</p> <p><b>hoping</b> 167:3</p> <p><b>hotels</b> 72:8,11</p> <p><b>hotline</b> 169:15</p> <p><b>hours</b> 13:22,24,25 98:23 99:2 155:10 176:16</p> <p><b>house</b> 3:2 53:12 56:1 98:10 104:18 106:17 153:8 154:1,2,5 155:16 159:17,19 160:4 163:24 164:4,25</p> <p><b>Houston</b> 22:15</p>
---	---	--

<p>23:1,2,7 172:12</p> <p><b>humor</b> 53:11</p> <p><b>hundreds</b> 128:17</p> <p><b>hungry</b> 135:4</p> <p><b>hurdles</b> 75:5</p> <p><b>hurt</b> 89:3 146:23</p> <p><b>hurting</b> 89:4</p> <p><b>hurts</b> 70:17 88:18,19</p> <hr/> <p>I</p> <hr/> <p><b>I'd</b> 15:20 19:15,20 28:11 149:9 167:10 180:11,12</p> <p><b>ID</b> 10:16,17 39:11 58:8,14,22 59:2,8,13 60:5 63:25 64:12,16,18,19,20,21 65:1,6,9 66:10 67:19 73:14,21 87:14,19 88:6 90:13 91:16,24 92:2,6,21,24 93:4,8,17,24 94:3 99:19 104:6,25 106:3,14,18 107:1,6 108:16,18,19 109:22 110:8,9 111:19,22 112:1,2,10,11 113:3,10 114:3 115:8 116:6,8,9 118:18 119:21 120:5,18,19,24 121:8,25 122:1,3 131:15 135:17,22,23 138:5,7 139:4,6 147:7,9,24 148:11,18,21,24 149:5 150:10,22 151:23 158:18,20,24 159:21,22 161:17,21 168:1,2,3,4 170:23</p> <p><b>idea</b> 12:1 53:4,25 102:4 127:15 139:19 166:23</p> <p><b>ideas</b> 71:16</p> <p><b>identification</b> 65:2</p>	<p>89:24 91:14 94:22 95:1,18 97:7 100:15 119:14 123:2 134:1,5 156:19</p> <p><b>identify</b> 91:21,22 92:5,9,23</p> <p><b>identity</b> 91:22 186:13</p> <p><b>IDs</b> 101:11 138:9</p> <p><b>ignore</b> 164:24</p> <p><b>ignored</b> 153:19,20,22 155:20,24 164:25</p> <p><b>ignoring</b> 85:18 166:1</p> <p><b>I'll</b> 12:13 16:18 28:4 38:23 39:1 51:23 53:16 71:15 81:16 94:7 112:21 119:25 125:16 129:13 142:25 167:13 176:11 181:4</p> <p><b>illness</b> 11:4</p> <p><b>I'm</b> 8:2,25 9:21,23 10:2,19,20 11:3,18 12:9 14:21 15:11,23 18:12 22:12,22,23 23:1,5 24:5,11 29:5 31:19 33:12,14,23 40:25 42:9 47:25 50:24 51:6 55:9,12 58:3 59:24 60:2 61:13 63:7 64:23 68:17 71:14,17 72:15 74:4,7 77:19 79:8,11,12,22,25 80:5,6,16 81:4,6,12,19 82:4,9 89:12 90:18 92:11 93:9,13,16 94:8,14 95:11 96:15,19 97:3 100:6 101:25 102:20,25 103:18 104:10,13 105:18 106:4,19 107:10 108:4,9,12,14,21 109:3,14 110:13,18 111:8,11 112:19 115:20 116:19 117:4,5 118:20</p>	<p>122:16 125:6 127:9,15 130:21 131:15 133:1 134:21 135:4 136:8 137:1,7 142:12,14 143:17 144:14 145:3,9 146:16,20 147:14,18 149:4 151:15 156:11 160:15 162:11 166:7,13 167:3 170:15,20,24 171:4,19 172:17 173:1 174:18 175:18,20,23 176:8 179:6,10 180:4 181:5,12</p> <p><b>imagine</b> 12:21</p> <p><b>IMANI</b> 2:3</p> <p><b>impact</b> 64:1 116:5 117:24 118:1,9,10,14,24 123:4 124:3,5,21 125:3,8 139:2 142:5 178:21</p> <p><b>impacted</b> 110:9 118:4</p> <p><b>impacts</b> 180:2</p> <p><b>impersonation</b> 170:14,19</p> <p><b>implemented</b> 155:25</p> <p><b>important</b> 35:22,24 69:7,23 70:5,15 74:24 75:1 83:25 85:16 178:20</p> <p><b>imposed</b> 140:7</p> <p><b>impossible</b> 135:25 136:3 139:7</p> <p><b>INC</b> 3:14</p> <p><b>include</b> 84:20 98:9,12</p> <p><b>included</b> 47:3 109:4,7 110:14 125:20 171:18</p> <p><b>includes</b> 43:5 89:23 91:12</p> <p><b>including</b> 99:23 109:8</p>
--	---	--

<b>income</b> 74:22 90:12 100:3 104:18,20,22 110:5 113:8 115:16 118:7 120:12,13 124:13 145:13 <b>incorporating</b> 166:7 <b>increase</b> 84:8 <b>increased</b> 180:7 <b>incur</b> 69:3 99:10,18 <b>INDEX</b> 7:1 <b>Indiana</b> 147:10,24 148:11 <b>indicate</b> 46:17 <b>indicated</b> 187:4 <b>indicates</b> 176:18 <b>indicator</b> 105:9,12,24 106:2,6,11,13,25 108:1,4 <b>indicators</b> 105:15,19,20 <b>individual</b> 21:7,16 23:12,21,24 26:10 44:14 66:1 75:21 <b>individually</b> 54:10 66:2 <b>infant</b> 30:2 <b>infants</b> 109:8 <b>inference</b> 105:6 <b>inform</b> 43:16 83:10 124:12 170:5 177:10 <b>information</b> 13:15 28:14 32:19 33:10,23 34:7 38:11 40:19 41:18 44:25 49:13 60:1 79:22 87:21 89:22 90:2,10,14 102:19 104:11 113:18 123:14,22 128:4,11,17 134:19 135:20 137:15 147:19 163:11 170:18 173:21,23,25	174:1,2,7,10,15 <b>informed</b> 59:15 177:8 181:21,23 <b>informing</b> 67:4 <b>in-house</b> 45:24 46:9 <b>initial</b> 47:4 62:12 76:17 77:6 <b>initiate</b> 80:4,15,18,21 <b>initiated</b> 76:18 77:7 81:24 <b>initiating</b> 78:16 79:19 176:19 <b>initiative</b> 43:15,19 <b>initiatives</b> 68:23 <b>injunctive</b> 7:6 81:17 <b>in-person</b> 82:15 157:17 <b>input</b> 61:10,19 80:12 81:2 152:3 153:1 163:3 <b>Instagram</b> 37:1,3 <b>instance</b> 4:8 40:25 88:5 98:4 168:21 <b>instances</b> 12:6,14 36:4 87:6 131:11 168:16 174:15 <b>instruct</b> 12:17 79:23 <b>instrument</b> 186:15 <b>Integrity</b> 187:18 <b>intend</b> 10:5 <b>intended</b> 74:2 83:9 165:21 <b>intense</b> 53:13 <b>intent</b> 152:9 153:15 164:14 165:10,16 <b>interact</b> 49:17 <b>interaction</b> 57:11 <b>interest</b> 52:25	57:10,12 76:7 147:3 <b>interested</b> 38:5 187:10 <b>interesting</b> 53:13 <b>interests</b> 54:1 57:16 76:3 78:21 158:1 <b>interfere</b> 70:22 <b>intern</b> 56:13,14,20,22 <b>interned</b> 56:12 <b>internet</b> 62:24 123:19 <b>interpose</b> 17:17 <b>interpret</b> 104:7 128:10 <b>interpretation</b> 104:7 <b>interpreted</b> 105:14 <b>interrogatories</b> 187:4 <b>intimidation</b> 171:11 <b>introduced</b> 8:14 <b>introductions</b> 8:16 13:8 <b>invalid</b> 163:9 <b>investigate</b> 156:17 169:21 <b>investigated</b> 157:2 <b>investigations</b> 170:2 <b>involve</b> 80:12 <b>involved</b> 38:24 39:22 40:8 44:1,5 45:17 60:12 62:1 77:24,25 79:19 <b>involvement</b> 38:25 60:22 81:25 148:13 149:7 161:9 <b>irrelevant</b> 76:4 124:23 165:17 <b>Irving</b> 68:4 <b>Isn't</b> 107:13 <b>issue</b> 48:2 57:8 60:8 69:3 70:1,12,16 71:5
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<p>87:3 91:3 96:17 101:1,5,18 102:11,15 126:25 129:22 130:4 137:20,21 157:18,19 159:18 161:3,5 172:9 178:19 179:1</p> <p><b>issued</b> 31:6 64:17 95:14,20 96:2,5,10,18</p> <p><b>issues</b> 35:21,23 39:12,13,15 48:1 49:9 70:2,11,24 71:7 84:10,17,25 85:3,15 86:19 87:4 115:14 133:10 151:20 153:18 154:17 155:24 163:5,8 165:4 178:6,17,20</p> <p><b>item</b> 160:4 161:1,24</p> <p><b>It'll</b> 118:25</p> <p><b>it's</b> 10:8 11:22 13:8 16:15 18:12 20:5,9 23:20 24:20 25:11 29:5 31:1,16 33:5,7 35:1,20,23,24 36:8 37:12 38:1 41:8 42:17,18 43:19 44:11,18 45:4 51:3,7,8 52:1 53:4,25 54:6,8,9 57:23 60:7 62:20 63:5,8,23 65:1,12 67:11 69:10,18 70:19 71:2,3,6,23 72:4 74:24 75:1 76:11 81:15 84:2,9 85:9,14,16 89:2,3 96:16 97:17,22,24 98:2 101:24 104:8,17 107:25 108:4 109:25 110:18 114:16,17 116:23 117:5,22 118:1,9 120:10 122:25 123:23 124:3,15 125:14,21,22 126:1,3 127:10 128:6 130:6</p>	<p>132:6,18 133:1,10,14,15,18,21 134:9 138:5 139:4,22 140:10,20 141:25 145:22 146:4 148:23 149:11,14,18 152:14,23 153:3,4 158:15 159:12 160:4,10,25 161:4,5,7 163:24 171:19 172:14 178:5,19 181:18 182:16</p> <p><b>I've</b> 8:14 11:24 33:5,7 41:7 49:3 54:19 57:21,25 58:4 63:1 66:9 72:16 85:10 90:7 97:3 102:3 103:18 127:2 142:24 148:23 165:5 168:23 178:7</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p><b>JANE</b> 1:3</p> <p><b>January</b> 56:24 172:25</p> <p><b>job</b> 45:20 48:25</p> <p><b>JOHN</b> 1:5,12 2:11 3:6,17 5:17</p> <p><b>join</b> 14:19,23 28:20 74:15 76:2</p> <p><b>joining</b> 8:24 11:20 75:10</p> <p><b>jotted</b> 54:21</p> <p><b>JR</b> 3:11 5:19</p> <p><b>judge</b> 44:4</p> <p><b>JUDGES</b> 2:6</p> <p><b>jump</b> 75:6</p> <p><b>jumping</b> 183:2</p> <p><b>June</b> 4:5,10 8:11 48:20 185:3 187:13</p> <p><b>jurisdiction</b> 44:11</p> <p><b>Justice</b> 5:15 9:1 110:15</p>	<hr/> <p style="text-align: center;">K</p> <hr/> <p><b>KAZI</b> 126:19</p> <p><b>KEN</b> 1:7</p> <p><b>Kereldanladee</b> 9:9,13</p> <p><b>K-E-R-E-L-D-A-N-L-A-D-E-E</b> 9:13</p> <p><b>kicked</b> 152:19</p> <p><b>kin</b> 187:10</p> <p><b>kinds</b> 31:25 37:4 60:13 69:18 132:9 170:17</p> <p><b>Klein</b> 6:6</p> <p><b>knowledge</b> 20:23 32:23 44:8 58:24 59:11,18 65:23 74:6 78:20 79:15 87:15,16 90:25 103:21 104:3 111:1 148:25 158:3 170:21 171:1</p> <p><b>known</b> 53:21 168:18 186:11</p> <p><b>KOBY</b> 1:5</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p><b>LA</b> 3:14</p> <p><b>labeled</b> 65:1</p> <p><b>lack</b> 95:17 97:6 111:19 112:1,10 151:23 152:2,3 156:3 157:16</p> <p><b>lady</b> 14:21</p> <p><b>laid</b> 155:21,22 163:11</p> <p><b>Lane</b> 187:19</p> <p><b>language</b> 96:4,15 100:8 135:13 136:21 137:5,10 138:3 156:12 162:12</p> <p><b>LARA</b> 3:12,13</p> <p><b>large</b> 8:15 22:14 71:23 72:4</p>
---	---	---

<p><b>last</b> 18:5 37:21 41:8 55:6,7,16 61:25 66:20,22 68:1 73:22 85:9 128:15,22 156:16 181:4</p> <p><b>late</b> 182:10</p> <p><b>later</b> 60:9 117:3 177:17</p> <p><b>LATIN</b> 1:7</p> <p><b>Latino</b> 111:20 119:9 120:11 129:1 152:9 153:15</p> <p><b>Latinos</b> 112:3,12</p> <p><b>law</b> 64:1 101:16 107:1 130:22 139:21 140:7 147:9,16,25 148:4 177:8</p> <p><b>laws</b> 73:15 129:9,16 131:7 147:7</p> <p><b>lawsuit</b> 19:9 63:21,24 74:16 75:10 76:2,18,19,24 77:7,16 78:16 79:19 80:4,16,19,21 81:25 82:7 83:3 84:19 86:3 108:6</p> <p><b>lawyers</b> 40:11,20 41:11,17,22,23 42:3 78:3 134:17 143:14</p> <p><b>lay</b> 150:8</p> <p><b>laying</b> 163:6 164:2</p> <p><b>lead</b> 1:4 8:4</p> <p><b>leaders</b> 24:2</p> <p><b>leadership</b> 21:14</p> <p><b>leading</b> 76:16,23 77:5</p> <p><b>leads</b> 138:23</p> <p><b>League</b> 1:7 2:3 58:2,3</p> <p><b>learn</b> 59:5 67:14</p> <p><b>least</b> 16:16 67:18</p> <p><b>leave</b> 123:25 132:5 133:11</p>	<p><b>leaving</b> 131:14,21 132:14,20 133:18</p> <p><b>legal</b> 40:14,16,18 41:23,25 42:4 46:4,5,6,8,15 74:17 75:13,22 81:15 85:22 90:4 139:15,17,19,20 143:14 187:18</p> <p><b>legislation</b> 150:10,22</p> <p><b>legislative</b> 3:2 7:11 35:21 39:16 45:11,12,15 48:2,7,9 50:23 52:14,22 54:2 56:8,16 57:1,10 58:21 59:5 60:11 148:13,17,19 149:6,25 154:9 160:18</p> <p><b>Legislator</b> 165:9</p> <p><b>legislators</b> 38:18 53:2 54:11 151:7,8 162:22,23</p> <p><b>Legislature</b> 55:8,21 56:7,16 64:5 137:1 148:14 154:12 156:17 157:2,11,15 158:2,8,11 160:21 161:9,15 165:21</p> <p><b>LENARD</b> 3:11</p> <p><b>lending</b> 39:15 84:5</p> <p><b>less</b> 21:12 22:25 50:7 86:25 97:21 99:3 109:20 113:2 114:2 127:19 147:16 148:4 173:10 177:13,15 178:5 180:20 181:16</p> <p><b>lessen</b> 118:23,24,25</p> <p><b>let's</b> 97:13 98:5 162:24</p> <p><b>letter</b> 110:1,15,17 131:17 133:13 175:6</p> <p><b>letters</b> 90:7 175:7</p> <p><b>level</b> 29:7 50:15 51:4</p>	<p>80:19 115:4,5</p> <p><b>levels</b> 29:22,25 30:5 43:25</p> <p><b>liaison</b> 48:7,10 52:14,22 56:8,16 58:21 59:5</p> <p><b>license</b> 64:18,22,24 65:7 93:21,23 94:5,10,13</p> <p><b>lifetime</b> 30:4,5 31:1,2,3</p> <p><b>likely</b> 42:4 108:18 109:21 110:4 113:2 114:2 120:23 127:19 129:8,15,25 131:5 133:6</p> <p><b>limit</b> 42:20 92:18 153:1 164:9</p> <p><b>limitation</b> 30:7</p> <p><b>limited</b> 86:9 100:3 139:10 140:25 141:3,14,25 144:10,13 145:1 157:9</p> <p><b>limits</b> 23:2 164:11</p> <p><b>Linda</b> 50:6 178:10</p> <p><b>Lindsey</b> 5:7 8:22</p> <p><b>lindsey.cohan@dechert.com</b> 5:10</p> <p><b>line</b> 127:10 177:1</p> <p><b>lines</b> 51:18 128:23</p> <p><b>LIONEL</b> 3:11</p> <p><b>list</b> 36:10 44:23 47:4 65:12,14,17 138:9 149:24 153:3</p> <p><b>listed</b> 47:15</p> <p><b>listen</b> 127:14 162:22 163:3,5,20</p> <p><b>listened</b> 154:15</p> <p><b>listening</b> 164:20 165:13</p>
--	--	--

<b>lists</b> 18:7 <b>litigation</b> 39:22 40:1,7,20 <b>little</b> 28:1 43:3 52:17 84:12 131:20 153:21 164:22 <b>live</b> 104:15,19 107:23 121:14 155:12 <b>lives</b> 104:5 155:12 <b>LLP</b> 5:4,8 <b>local</b> 21:16 23:25 25:16 26:17,23 27:1,18 28:13,16,18 29:7 32:5,6 35:10 36:6 38:4,10 43:1,6,25 44:2,3,5 49:13 51:13,15,20 67:16,17 115:4,5 175:1 <b>located</b> 121:19 <b>location</b> 98:16 117:10 170:10 <b>locations</b> 37:12 110:8 <b>long</b> 13:21 38:23 51:8 56:22 65:12,14 101:13 114:24 117:11 126:15 131:16 151:22 166:21 <b>longer</b> 88:13 98:2 <b>LONGORIA</b> 2:7 <b>Los</b> 5:5 <b>losing</b> 100:5 <b>lost</b> 64:23 128:22 181:2 <b>lot</b> 12:5 22:24 25:20 53:8,11,12 54:22 59:5 82:17 99:15,17 104:22 118:12 121:15 125:16,18,22 127:13 157:22 160:11 163:14 178:12 183:22 <b>love</b> 157:14,15	<b>low</b> 74:22 90:12 119:10,12,19 120:4,21,22 <b>lower</b> 104:22 110:5 113:7 115:16 118:6 120:12,13 124:13 138:3 <b>low-income</b> 129:25 <b>LULAC</b> 1:8 <b>Lydia</b> 3:12 50:6 <hr/> M <hr/> <b>machine</b> 4:12 <b>machines</b> 169:10 <b>mailed</b> 74:10 178:9 <b>mailings</b> 29:2 <b>maintain</b> 18:7 <b>maintaining</b> 51:18 <b>major</b> 50:22,24 157:20,21 <b>majority</b> 152:24,25 <b>makeup</b> 23:23 25:20 114:6,11 <b>MALDEF</b> 58:2 <b>man</b> 132:16 <b>manage</b> 49:22 63:3 <b>manager</b> 48:3,7,9 <b>MARGARITO</b> 3:13 <b>MARIA</b> 2:7 <b>Marion</b> 147:11 <b>mark</b> 1:3 15:21 19:20 <b>marked</b> 15:22 19:22 81:5,7 136:7,9 142:13,15 175:19,21 <b>MARTINEZ</b> 3:13 <b>mass</b> 29:2,3 59:20,25 60:1 <b>master</b> 48:3 <b>match</b> 131:21	<b>matches</b> 132:6 133:13 <b>materials</b> 54:15 <b>matter</b> 18:4,23 20:2 27:7,14 35:5 46:15 87:8 88:7 154:19 <b>matters</b> 14:14 17:1,5 19:1,6 60:13 71:11 <b>MAXIMINA</b> 3:13 <b>may</b> 10:4 12:10,14 21:19,20 25:18 28:14,19,20 29:5 38:4 39:25 40:8 41:5,15 43:17 48:20 49:5,8,14 53:1,3 54:20,24 55:1 67:15 83:5,8 85:11,17,25 86:21,24 87:21 95:13 96:5,25 97:11 98:23 100:11,23 101:11,16,23 104:24 115:16,17 116:8 117:11 118:18 123:18 130:17 137:13 144:8 147:2,4 150:13 162:1 164:18 171:8 176:2 178:22 181:12 182:1,10,11 <b>maybe</b> 23:8 25:4 33:6 36:12 37:3 55:11 86:25 114:8 117:1,2,14 122:25 <b>mayors</b> 38:12 <b>McCain</b> 169:13 <b>McCRAW</b> 2:12 3:7,19 5:18 <b>mean</b> 10:5 20:16,17 21:11 24:3 34:13 36:24 43:11 44:2,3 60:14 66:1 76:6 79:7,8 90:24 93:16 121:6 133:21 142:21 143:13 146:9 160:19 166:23 168:15,20 175:11 <b>meaning</b> 113:25
--	--	--

<p><b>means</b> 116:14,18,21 119:7 124:12 139:19 181:1</p> <p><b>meant</b> 18:9 107:16</p> <p><b>media</b> 36:21,24 37:4 62:3,24 63:2</p> <p><b>medications</b> 11:8</p> <p><b>meet</b> 51:7 54:10,13 57:2,20</p> <p><b>meeting</b> 13:21 14:20 27:7,8 31:15 37:17,18 41:8 51:6 78:16 179:3 182:9</p> <p><b>meetings</b> 13:18 24:2,4 37:7,9,25 38:3,8,19 39:6,21 40:7,21 41:4,6,12 42:6,10,13,15,20 49:5 57:11,14,15 68:13 76:19,23 77:2,7,10,16,18 78:4,9,13,22 79:3,6,10,12,15 149:21 151:4,6,7 179:8</p> <p><b>MELLOR-CRUMLEY</b> 1:5</p> <p><b>member</b> 29:15 30:8,11,19 31:9 32:8,10 33:11,15,18 34:21,22,24,25 35:2,7 36:7,10,16 48:14 91:23 119:19 120:3 168:11 174:8,16,17,19</p> <p><b>members</b> 28:12,18,23 29:2 31:6,13,20,23 32:4 34:12,16 38:3 42:20 49:7 59:1,12,15 65:24 66:13 67:4,12 74:2 75:12,16,21,24 77:21 89:23 91:12,15 93:2,12,20 94:2,9,12,15,21 95:3 115:6 127:13 155:17 167:7 168:5</p>	<p>170:13,21 171:1,2 172:20 173:11,14 177:7 180:14,19 181:20,22</p> <p><b>membership</b> 18:7 21:25 28:2,14,17 29:18,20,22,25 30:1,3 31:2,7,22 32:11,12,18,19 35:24 36:10 44:22 45:21 59:21 60:3 61:11,20 68:21 69:12 71:24 74:11 80:13 93:25 135:12 136:20 137:5,10 150:21</p> <p><b>memberships</b> 30:5,6 72:3</p> <p><b>memory</b> 149:1 161:8 172:11</p> <p><b>MENDEZ</b> 3:11</p> <p><b>mention</b> 15:17 63:10 99:4 117:18 172:19</p> <p><b>mentioned</b> 15:3 20:19 30:17,21 33:21 45:25 48:6 52:13 61:14 64:25 71:9 110:10,14,22 126:10 132:16 145:12 146:10,19 148:1 158:7 177:22</p> <p><b>mentioning</b> 135:20</p> <p><b>messages</b> 44:21,24</p> <p><b>messaging</b> 115:20</p> <p><b>met</b> 13:12 14:25 57:21,24,25 58:2,4 151:12,22</p> <p><b>Method</b> 34:10,11</p> <p><b>Mexican</b> 3:2 7:11</p> <p><b>MICHAEL</b> 1:4</p> <p><b>MICHELLE</b> 2:4</p> <p><b>middle</b> 104:20 131:16 144:4</p> <p><b>midway</b> 116:4</p>	<p><b>miles</b> 98:17 115:24 122:2 145:23</p> <p><b>military</b> 64:21 94:22,25 97:23</p> <p><b>Miller</b> 5:12 8:25 16:6 52:10 183:8,18</p> <p><b>mind</b> 66:23 144:7 147:4</p> <p><b>minor</b> 109:8</p> <p><b>minorities</b> 64:1 74:22 110:3,4 113:7 115:13 138:3 139:2</p> <p><b>minority</b> 90:12 109:17,20 113:1 114:2 117:24 119:19 120:3,11,21 125:15 127:18 129:8,14 131:5 132:9 133:5,24 134:14 135:13 136:21 137:5,10 151:25 153:20 163:1 164:1,10,21,25 165:21 166:1</p> <p><b>minute</b> 17:7 144:11</p> <p><b>minutes</b> 42:5,8 52:7 54:22 109:12 122:21</p> <p><b>mischaracterizes</b> 112:20</p> <p><b>misconduct</b> 39:11</p> <p><b>miss</b> 101:21 179:8</p> <p><b>missed</b> 41:7</p> <p><b>missing</b> 131:15,17 133:13 172:6</p> <p><b>mission</b> 7:5 20:5,7,11 43:3 68:24 74:24 76:10,13,15 88:14,16,20,22 89:2,7</p> <p><b>misstates</b> 71:12 88:25 89:10 99:13 118:21 132:11,12,24 133:8 138:18,19</p> <p><b>mitigate</b> 123:3</p>
---	---	--

124:5,20 125:2,7 <b>mitigated</b> 116:7 118:17,22 <b>moment</b> 52:1 172:22 <b>Monday</b> 13:20,21 <b>monetary</b> 99:12,21 <b>money</b> 82:25 87:2 98:21 99:17 100:4,5 101:22 104:25 117:13 122:8 123:13,24 124:8,11,15 130:7 141:16,24 142:1 145:18,19,21 146:1,4 <b>monitor</b> 58:20,22 <b>monitored</b> 58:7 <b>monitoring</b> 45:11,13 58:25 <b>MONTEZ</b> 1:4 <b>months</b> 36:13 56:25 <b>morning</b> 8:1 11:12 154:23 155:2,4 163:11 <b>mostly</b> 10:3 <b>motion</b> 7:12 143:2 <b>motivated</b> 152:8 153:15 <b>mouth</b> 36:23 66:8 <b>move</b> 26:12 104:22 107:18 117:2 119:1,4 130:2 <b>moved</b> 153:6 <b>moves</b> 161:15 <b>movie</b> 144:17 145:13 <b>moving</b> 61:25 <b>multiple</b> 22:15 23:8 50:8,9 174:25 <b>myself</b> 8:14 49:23,25 54:3 163:19 <hr/> N	<b>NAACP</b> 3:1 4:3 5:2 7:5,7,11 8:20,21,23 9:22,23,25 10:3,4,5,6 14:8,9,10,13,16 17:14 18:6,22 19:9,17 20:6,8,10,13,15,16,2 0 23:3,13,15 24:6 28:2,12 29:16 30:11,14,19 31:12,21 32:10 33:11,16,18 34:12,15,16 35:17,24 37:6 38:24 39:22,25 40:8 43:2,5,22 44:8,10,12,20 45:10,19,24 46:1,2,12,14 47:22,23 48:4,15,19,25 50:14 52:14,23 53:1 54:2 56:4,8,13 57:4,10,13 59:1,12,13 60:4,12,15 61:16,20 62:2,4 63:10,12 65:24 66:3,12 68:17,22,24 70:2,9,25 74:15 75:11 76:2,8,13 78:3,22 80:13 81:18 82:7,11,12,20 84:25 86:4,5,13,20 87:6,17,22 88:3,7,13,15,21 89:7,12,22 90:22 91:2,12,16,23 92:2 93:2,12,20,25 94:2,9,12,15,21 95:3,24 96:1,12,17 100:20 101:1,5 102:1,4,7,17 104:10 108:5 109:20 111:18 113:1,11,24 114:1 115:4 117:23 119:18 120:20 121:20 122:10 124:19 125:1,6,9,11 127:18 129:7,14 131:4 133:23 134:12 135:10,24 137:2	138:15,21 139:8 140:23 143:7,12,23 144:12,24 146:5,16 147:15,23 148:3,20 149:7 150:25 152:7 153:13 154:3,6,11,16 155:23 158:1 160:16,20 161:10 162:2,4,7,16 164:7,13 165:8,14,20 167:4,7,9 168:12,13,18 169:21 170:12,14,16,17,22 171:2 172:19 173:15 174:6,15,21,24 175:8,12 177:3,19 179:23 180:6,14,19 181:9,15 183:24 184:1 <b>NAACP's</b> 19:12 76:17 77:6 81:25 96:9,19 124:2,3 143:1 144:18 148:13 <b>narrow</b> 40:23 63:11 <b>national</b> 7:5 9:25 10:6 20:8,9 39:18 44:10,12,18 86:4 <b>nationwide</b> 90:8 <b>nature</b> 69:8 156:18 <b>nay</b> 58:18 <b>nearest</b> 115:24 <b>necessarily</b> 69:1,6 70:25 77:25 85:18 86:8 99:12 104:25 116:18 142:22 161:16 162:23 <b>necessary</b> 86:21 93:3,7,15 101:11 135:16 138:12 183:23 <b>neck</b> 114:25 <b>negated</b> 162:3,11 <b>negative</b> 123:4 124:3 125:3,8 <b>networking</b> 45:20
--	--	--



<p><b>NGR</b> 1:4 2:2 3:2,12</p> <p><b>night</b> 38:17</p> <p><b>nine</b> 103:19</p> <p><b>nod</b> 11:22</p> <p><b>non-Hispanic</b> 103:5,8,9</p> <p><b>nonmembers</b> 35:16</p> <p><b>nonminority</b> 117:25 132:10 133:6,25 134:15</p> <p><b>nonpartisan</b> 43:16,19</p> <p><b>nonpaying</b> 56:14</p> <p><b>nonprofit</b> 86:5</p> <p><b>nor</b> 187:9,10</p> <p><b>normal</b> 57:9 160:22 174:19</p> <p><b>normally</b> 46:21 54:6,25 72:15 87:1 152:23 159:2,5,11 160:2 162:21 178:8</p> <p><b>northeast</b> 114:9</p> <p><b>NOTARY</b> 186:22</p> <p><b>note</b> 11:24 19:19</p> <p><b>noted</b> 186:3</p> <p><b>notes</b> 54:20</p> <p><b>nothing</b> 29:6 31:19 50:22 97:3 101:16 156:3 183:1</p> <p><b>notice</b> 7:3 16:19 90:17 152:2,14 155:13 159:7,8,9,11,13 166:8</p> <p><b>noticed</b> 147:20 178:12</p> <p><b>N-O-T-Z</b> 46:25</p> <p><b>Notzon</b> 46:22,24 47:3</p> <p><b>N-O-T-Z-O-N</b> 46:24 47:1</p> <p><b>null</b> 163:9</p>	<p style="text-align: center;">O</p> <p><b>oath</b> 186:12</p> <p><b>Obama</b> 169:12</p> <p><b>object</b> 12:15 87:20 112:19 118:20 127:9 147:18</p> <p><b>objecting</b> 108:14</p> <p><b>objection</b> 17:18 18:4 44:15 71:12,25 74:17 75:13,22 76:4 78:5,10 79:21 86:15 88:24 89:10 90:4 91:7 99:13 106:15 107:3,8,11 108:7 112:6,14 116:15 120:7,25 121:12 123:11 124:22 125:13 132:11,24 133:8 136:22 137:12 138:18 139:18 140:14 141:5,11 142:11 143:13 144:20 145:2,6 146:8 148:6,9 157:5 165:17 180:10,16</p> <p><b>objections</b> 17:19 18:3 90:17,21</p> <p><b>obtain</b> 93:4,15,17 97:11 106:25 107:5 113:2 114:3 115:8 116:9 118:18 119:13</p> <p><b>obtained</b> 95:13</p> <p><b>obtaining</b> 95:19 97:8 111:21 112:2,11 113:8 119:20 120:5,18,24 121:5,7,24 135:22 175:13</p> <p><b>obtains</b> 65:4</p> <p><b>obviously</b> 116:17 136:15</p> <p><b>occupied</b> 104:8</p> <p><b>occur</b> 67:16 77:10</p>	<p><b>occurred</b> 76:23 77:2</p> <p><b>October</b> 66:22,24</p> <p><b>offer</b> 31:21 41:15</p> <p><b>offered</b> 32:8</p> <p><b>office</b> 24:12 27:21 43:17 46:18,19 48:2,7,9 49:2 50:21 54:13,14 65:8 98:13,14,15 121:16 138:6 142:4 146:23 170:5 186:18 187:12</p> <p><b>officers</b> 25:14,23 26:2,8,9,10,17,20,22 ,24 27:16 38:1</p> <p><b>offices</b> 4:13 8:12 37:14 95:13 98:24</p> <p><b>official</b> 2:11,12 3:6,7,18,19 47:22,24 130:24 134:9,14,18</p> <p><b>officials</b> 24:22 38:12 123:2,9 124:4 125:2 127:25 128:25 133:24</p> <p><b>Oh</b> 13:22 20:24 33:25 41:20 51:23 81:21 151:11</p> <p><b>okay</b> 9:2,23 10:2,7,19,23,24 11:16 12:20 13:2,5,8,18 14:6,19 15:3,12,15,19,25 16:5,8,18,20,24,25 17:5,12,22 18:1,11,16,19,25 19:3,8,11,15 20:1,4,11,15,18 21:7,15 22:2,5,9,11,18,20 23:5,6,11,19,22 24:1,15,19,24 25:2,8,21 26:8,11 27:15 28:1,3 29:15,24 30:10,25 31:6,21 32:23 33:9,17,25 34:20 35:15 37:6,21 39:2</p>
--	---	---

40:11 41:11,21 42:1,5,22,25 44:7,12,20 45:2,9 46:20 47:11,13,19,20 48:24 50:7,11 51:6,24 52:3,6,7,10,17 54:15 56:15,20 57:1 58:20 60:2,11 62:8 63:6,9,15,20 64:7,25 66:22 68:7,12,15 71:14 72:17 73:7,11,17 74:9,13,15,21 77:2,17 78:3,15,20 79:14 80:3,24 81:2,8,11,22 82:2,5,9,23 84:12 85:23 86:8,11 88:12 90:6,20 91:4,11 92:14 93:11 96:14 97:5 100:6,10,20 101:8 102:21,25 103:13,21 105:5,20 106:1 107:18,21 108:8,23,25 109:1,11,14 110:22,25 111:9,15,17,25 112:23 113:5 115:11 116:13,25 117:23 118:2,8,10,14,16 119:18 120:1,2,17,20 121:3,20 122:20,22 124:1,7,14,17,19 127:16 128:22 129:7,12 130:18 132:8 133:3,17,23 134:4 135:4,24 136:6,18 140:9,23 142:8,16,25 143:3,4,6,9,21,25 144:1,4 145:7 147:6,15 148:12 149:17 151:2,11 152:7 153:17 154:6 156:10,24 159:10 161:5,13 162:14,18 166:6,9,25 167:4	168:11 170:21 171:17,19 172:13,16,24 173:3,6 174:3,14 175:5,22 176:7,11,21,22 177:1,16 179:16 180:4 182:19 183:8 <b>old</b> 13:14 <b>ones</b> 17:10 22:14 69:19 173:12 <b>ongoing</b> 66:17 87:11 179:13 181:19 <b>online</b> 42:11 74:11,12 123:18 <b>onward</b> 88:3 <b>open</b> 31:14 42:13,16,18 98:24 101:24 153:7 <b>openly</b> 40:9 <b>operate</b> 178:7 <b>opinion</b> 5:20 72:12 76:1 81:19 82:10 88:13,21 89:6 105:8,11 108:12 125:9 144:15 150:21 <b>opinions</b> 41:15,24 42:1 <b>opportunity</b> 99:23 102:15 154:17 <b>oppose</b> 102:4 <b>opposed</b> 144:17 <b>opposing</b> 162:16 <b>opposition</b> 162:5 <b>options</b> 150:7 162:4,11,15,19 <b>ORAL</b> 4:2,7 <b>order</b> 43:2,14 44:21 50:22 65:8 77:25 97:12 98:7 102:9 122:7 135:17 152:25 178:3 <b>organization</b> 24:6	34:23 39:9,19 67:10 75:11 76:3,7,10 86:5 178:23 184:2 <b>organizational</b> 82:13 83:3 <b>organizations</b> 57:2,7 58:5 78:21 178:21 <b>organize</b> 62:2 <b>organized</b> 21:8,14 44:22 <b>ORTIZ</b> 1:5 3:11 <b>OSCAR</b> 1:5 <b>others</b> 177:10 <b>otherwise</b> 46:12 60:19 83:19 85:4 157:22 179:17 181:10 <b>outcome</b> 164:11 <b>outreach</b> 29:1 43:14 121:18 124:16,17 125:14,21 126:9 128:2,4 <b>outreaching</b> 128:1 <b>outright</b> 137:14 <b>outside</b> 60:11 78:8 83:16 87:5,13 88:5 127:10 147:20 160:17 167:25 172:12 <b>overall</b> 21:25 <b>overseas</b> 97:23 <b>owner</b> 104:8 <b>owner-occupied</b> 103:6 104:5,15 <b>ownership</b> 116:6 <b>owning</b> 105:8,11 <b>owns</b> 104:8 108:17 <b>OZIAS</b> 1:5 <hr/> P <hr/> <b>p.m</b> 4:11 135:7 183:14 184:9
--	---	---

<p><b>P.O</b> 5:20</p> <p><b>package</b> 59:19 60:1</p> <p><b>page</b> 6:2 7:2 16:24 62:20,21,22 81:20 82:9 89:17,21 95:11 100:6,7 102:22 109:19 111:16 116:2 122:25 123:1 128:16 142:18,21 143:25 144:4 156:16 171:9 176:8,11,17,18 177:1</p> <p><b>PAGE/LINE</b> 185:4</p> <p><b>paid</b> 31:2 33:8 34:22 101:17</p> <p><b>paper</b> 176:9</p> <p><b>papers</b> 125:22</p> <p><b>paragraph</b> 82:9,10 89:19 95:12 97:5 100:7 102:22 103:1,11 107:21 111:15 112:9 116:3,4,22 119:5,7,8 122:24 123:1 124:25 127:24 128:16,23 130:23 144:5 156:13</p> <p><b>paragraphs</b> 17:6,16 109:16 166:22</p> <p><b>participate</b> 78:15 80:25 122:8 139:3 146:3 147:2 159:4 168:7</p> <p><b>participates</b> 46:13</p> <p><b>participating</b> 47:8</p> <p><b>participation</b> 76:19 148:21 159:3 164:10</p> <p><b>particular</b> 51:15 91:3</p> <p><b>particularly</b> 29:6</p> <p><b>parties</b> 78:24 79:2 187:10</p> <p><b>partnered</b> 32:3</p> <p><b>party</b> 187:9</p> <p><b>pass</b> 183:17</p>	<p><b>passed</b> 53:10 64:5 164:18,19</p> <p><b>passionate</b> 159:14</p> <p><b>passport</b> 64:19 94:16,19</p> <p><b>past</b> 11:17 54:12 57:19 59:15 71:18,19 72:21 149:9 173:22 179:19</p> <p><b>pay</b> 29:18 30:24 33:20 60:23,24,25 98:11 117:14 122:3,4,6 138:6 141:17 145:15,23 163:22,23 164:5</p> <p><b>payday</b> 39:15 84:5</p> <p><b>paying</b> 34:9</p> <p><b>payment</b> 34:10,11</p> <p><b>PEGGY</b> 1:6</p> <p><b>PENNY</b> 1:5</p> <p><b>people</b> 8:15 13:5 22:25 25:2,6 33:2 34:14,18 35:7 43:17,18 44:24 46:18 49:6 67:5 69:14 71:21 72:12 73:20 74:22 75:17 83:11 85:11 95:21 96:5,20 102:15 112:1,3,10,12 114:5,7,8,10,22 115:7 121:15 123:17,20,21 126:6 128:8 132:17 142:4 152:3 159:3,13 167:16,17,19,21,24,2 5 168:5 169:6,11,14,19 170:3,10 175:6 181:19 182:17,18</p> <p><b>per</b> 138:16</p> <p><b>percent</b> 55:12 103:5,7,8 151:16 178:11</p> <p><b>percentage</b> 71:23 72:4</p>	<p>90:12 104:4 107:22 111:22 179:16,18,21,22 180:5,7</p> <p><b>percentages</b> 104:14</p> <p><b>percentage-wise</b> 180:12</p> <p><b>Perfect</b> 28:8 52:8</p> <p><b>performed</b> 151:3</p> <p><b>period</b> 130:4</p> <p><b>permissible</b> 160:18</p> <p><b>Perry</b> 1:11 5:17 8:5</p> <p><b>person</b> 8:17 14:4,5 43:20 47:25 54:10 77:13 89:25 99:18 119:22 120:6 139:25 145:18 147:2 155:5,11 186:14</p> <p><b>personal</b> 94:3 95:23 117:12</p> <p><b>personally</b> 153:25 168:14 186:11</p> <p><b>persons</b> 75:1 95:14 96:2 103:6,7,8,9 119:12</p> <p><b>person's</b> 85:24 136:19</p> <p><b>pharmacy</b> 32:5,6</p> <p><b>phone</b> 5:13 8:18,24 11:21 14:20,23 44:21,23 49:10 77:12 128:10 174:8 182:2</p> <p><b>phones</b> 49:4</p> <p><b>photo</b> 64:12,15 89:24 90:13 100:15 111:19 116:6,8,9 119:13 123:2 134:1,5</p> <p><b>photograph</b> 31:9 94:23 95:1,5,8</p> <p><b>pick</b> 178:13</p> <p><b>picture</b> 64:20</p> <p><b>piece</b> 159:16</p>
---	--	--

<p><b>places</b> 115:18 155:7</p> <p><b>PLAINTIFF</b> 5:2,11</p> <p><b>Plaintiff-Intervenors</b> 2:5,9</p> <p><b>plaintiffs</b> 1:9 2:2 3:4,15 7:10 142:19 144:5</p> <p><b>plan</b> 31:4 150:8</p> <p><b>planned</b> 61:21</p> <p><b>planning</b> 85:8 178:9</p> <p><b>platforms</b> 62:4</p> <p><b>play</b> 61:4,6,8 178:8</p> <p><b>plays</b> 175:9</p> <p><b>pleadings</b> 162:13</p> <p><b>please</b> 9:7,8,12 11:23,24 12:3 16:24 17:7 28:10 68:18 77:4 95:11 102:21 140:16 143:25 181:13 183:11</p> <p><b>point</b> 8:13 90:18 114:1 117:5 136:18 137:8 163:8,15 176:15 181:3,5 183:25</p> <p><b>police</b> 36:5 39:11</p> <p><b>policy</b> 43:15,18 44:7</p> <p><b>political</b> 21:24 43:9,11,15,23 44:14,19 53:15 150:4</p> <p><b>politicians</b> 38:7</p> <p><b>politics</b> 53:10 127:5,6</p> <p><b>poll</b> 121:21 122:9,11,12</p> <p><b>polling</b> 171:11</p> <p><b>polls</b> 100:12 150:20</p> <p><b>pop</b> 49:8</p> <p><b>POPE</b> 1:5</p> <p><b>population</b> 36:2</p>	<p>114:12</p> <p><b>portion</b> 42:20 82:12</p> <p><b>portions</b> 42:10,15 87:17</p> <p><b>position</b> 46:21 52:25 56:23 96:9 102:1,17 143:11 144:19</p> <p><b>possess</b> 89:24 91:13,16,23 92:2,6,20,24</p> <p><b>possibility</b> 116:7 118:17</p> <p><b>possible</b> 41:8 71:2,3 86:18 149:18</p> <p><b>posted</b> 74:11,12</p> <p><b>posts</b> 62:21</p> <p><b>potential</b> 29:2 136:2,4 148:18 149:5</p> <p><b>PR</b> 62:1,9</p> <p><b>practice</b> 113:25 175:10</p> <p><b>Prairie</b> 172:4,14</p> <p><b>preclearance</b> 10:17</p> <p><b>predating</b> 87:22</p> <p><b>preliminary</b> 10:21 11:16</p> <p><b>prep</b> 13:18 14:19</p> <p><b>preparation</b> 15:1,5 19:4 82:3</p> <p><b>prepare</b> 15:16 19:5 148:20 149:7 159:16</p> <p><b>prepared</b> 17:24 19:1,11</p> <p><b>prerequisite</b> 135:11,19 137:3</p> <p><b>prerequisites</b> 138:13</p> <p><b>prescription</b> 32:4,16</p> <p><b>prescriptions</b> 32:5</p> <p><b>present</b> 5:23 40:11 41:12,22 77:17,19,22</p>	<p>78:3,8,13,22 79:2,16 112:24 179:14</p> <p><b>presented</b> 103:22 113:19 137:16 138:2</p> <p><b>presenting</b> 104:10</p> <p><b>presents</b> 100:14 107:21</p> <p><b>president</b> 14:8,9 21:16,17,19 26:5,15 27:9 36:6 38:9 69:21 169:12</p> <p><b>presidents</b> 25:16 27:18 38:2</p> <p><b>Presidio</b> 115:22,23 122:2</p> <p><b>Presirio</b> 115:19</p> <p><b>press</b> 62:2,3,10,12,14 125:18,20 126:3</p> <p><b>pressing</b> 70:4,10,13,23,24 71:11 84:17,24,25 85:2 86:20 87:7 178:18</p> <p><b>pretty</b> 11:3 49:19 114:15,17</p> <p><b>prevent</b> 11:13</p> <p><b>previous</b> 107:16 113:6 116:22 119:8 173:12 175:24,25 176:17</p> <p><b>previously</b> 84:21 106:5 146:13 147:25 148:12 181:17</p> <p><b>price</b> 29:20</p> <p><b>prices</b> 30:6</p> <p><b>primary</b> 65:12</p> <p><b>prior</b> 138:19 141:2 144:19,24 146:7</p> <p><b>privilege</b> 174:12,13</p> <p><b>privileged</b> 79:22 145:13</p> <p><b>probably</b> 10:19 12:6 25:4,11 53:24 104:20</p>
---	---	--

<p>105:2 108:16 150:12 163:18 180:23</p> <p><b>problem</b> 34:2 35:20 39:5 53:6 63:19 119:3 128:5,14 130:11 157:21 158:5 171:24 172:3 183:7</p> <p><b>procedural</b> 161:15 162:3,8</p> <p><b>Procedure</b> 4:15</p> <p><b>procedures</b> 160:13,17,23</p> <p><b>proceedings</b> 187:7</p> <p><b>proceeds</b> 144:7</p> <p><b>process</b> 45:15,17 60:22 61:2,3,18 80:12 85:25 132:1 134:4,8,13,14 148:14 150:19 152:8,13,16,20 153:10,14 154:7,9 159:1,6 164:10,17,19 165:6,12,18,25 174:19,22</p> <p><b>processed</b> 172:7</p> <p><b>produce</b> 18:8</p> <p><b>produced</b> 4:7 15:4,9 20:1 110:18</p> <p><b>professionally</b> 45:20</p> <p><b>proficient</b> 62:23 63:1</p> <p><b>program</b> 32:2 33:5,12 49:15 182:14</p> <p><b>programming</b> 177:3,18</p> <p><b>programs</b> 83:1,8 86:25 178:2</p> <p><b>projects</b> 84:4</p> <p><b>pronounce</b> 8:8</p> <p><b>proof</b> 130:5</p> <p><b>proper</b> 115:8 154:17 159:13 170:10</p> <p><b>properly</b> 85:22 123:15</p>	<p>128:3,4 159:16</p> <p><b>proposal</b> 148:24</p> <p><b>proposals</b> 45:11 59:2 60:5 148:19,22 149:6</p> <p><b>proposed</b> 45:14 54:17,19 59:6,14 153:21 164:3,22</p> <p><b>pros</b> 76:20 77:8</p> <p><b>prove</b> 32:10</p> <p><b>proved</b> 186:11</p> <p><b>provide</b> 11:5,9,19 81:2</p> <p><b>provided</b> 35:16 135:20 158:2,6</p> <p><b>provides</b> 101:2,6</p> <p><b>provisional</b> 100:9,11 101:3 102:5,7,9,11 117:19 129:23 131:25</p> <p><b>provisions</b> 4:15</p> <p><b>pub</b> 84:11</p> <p><b>public</b> 2:13 3:8,20 31:14 36:13 42:8,13,16 67:13 186:22</p> <p><b>publicity</b> 62:11</p> <p><b>publicize</b> 123:2 127:25</p> <p><b>Publishers</b> 126:2</p> <p><b>PUEBLO</b> 3:14</p> <p><b>punishment</b> 140:3,6,11</p> <p><b>purpose</b> 89:14 164:8,9</p> <p><b>purposes</b> 10:2 65:5 76:2 83:25 171:22 181:9,16 183:5 186:16</p> <p><b>pursuant</b> 4:14</p> <p><b>push</b> 157:20</p> <p><b>putting</b> 61:11,15,18 86:2 98:1 114:19 123:14</p>	<hr/> <p><b>Q</b></p> <hr/> <p><b>quarterly</b> 37:10,11,17,18 39:6,21 40:6,21 41:4,6,8 68:13 149:20</p> <p><b>question</b> 11:25 12:3,12,15,16 22:21 40:4,17 46:3 59:3 61:25 73:24 77:4 80:1 82:17 93:9 94:7 96:25 100:24 105:10 106:19 107:13,16 112:22 116:25 117:1 119:24 120:2 124:24 128:15 129:12,13 130:21 134:3 136:23 138:20 139:15 140:16 143:20 147:22 148:16 149:3 153:10,12,13 162:6 171:5 176:22 177:5 181:1 182:4 183:4</p> <p><b>questioning</b> 127:10</p> <p><b>questions</b> 10:21 11:6,10,14,16,19 16:16 28:5 39:4 47:21 109:15 166:4 167:23 174:1 176:12,19 180:22 182:17 183:16,18 184:6</p> <p><b>quick</b> 17:7 18:4 53:22 60:9 148:16 183:3</p> <p><b>quickly</b> 153:6 166:20 176:7</p> <p><b>quote</b> 131:6</p> <hr/> <p><b>R</b></p> <hr/> <p><b>race</b> 119:8 135:12 136:20 137:4,10</p> <p><b>racial</b> 104:5,15 107:22 116:5 138:2</p> <p><b>racially</b> 123:4 124:2</p>
--	--	--

125:3,7 <b>radio</b> 125:24 126:11,13,18,23 127:8,14 <b>random</b> 167:24 <b>range</b> 29:20 <b>ranges</b> 29:19 <b>rates</b> 116:6 <b>rattle</b> 65:14 <b>reach</b> 53:2 182:18 <b>reached</b> 28:6 170:4 <b>reaching</b> 128:1 <b>reading</b> 82:19 95:11 100:17 103:11 116:10 117:4 119:15 123:6 129:4 144:17 <b>reads</b> 116:4 144:5 <b>ready</b> 13:10 168:1 <b>real</b> 18:4 53:22 160:7 <b>realize</b> 12:5 <b>realized</b> 74:21 92:16 <b>reallocated</b> 87:7 <b>really</b> 27:11 32:25 51:3 74:8 84:17 153:7 159:14 164:4 <b>REALTIME</b> 4:2,7 <b>reason</b> 114:18 129:21 185:4 <b>reasonable</b> 105:5 <b>recall</b> 34:6 35:15 37:22 38:22 58:15 66:22 73:5,8 78:14,19 87:5 88:5 110:17 111:14 150:19 151:6,9 153:24 158:4,5 161:14,19 167:6,11 173:2 176:3 <b>recalling</b> 31:19 <b>receive</b> 34:14 61:19 86:20 173:25	174:2,14 <b>received</b> 168:23,25 169:2 173:21,23 174:7,9 <b>receiving</b> 85:3 <b>recently</b> 66:18,19 <b>Recess</b> 52:11 135:7 183:14 <b>recognize</b> 16:1,11 19:23 81:9 136:9,15 142:17,22 <b>recommended</b> 54:16 <b>record</b> 4:15 9:8 12:3,8,24 13:9 17:18 52:6 96:23 102:25 135:5,8 142:20 182:22 183:10,13,16,25 184:8 <b>recruit</b> 28:12,18,25 <b>rectify</b> 101:18 129:22,23 130:4,11 <b>rectifying</b> 69:4 <b>recurring</b> 86:24 <b>red</b> 157:22 <b>redistricting</b> 39:10 55:19 87:11,13,18 88:6 <b>redo</b> 182:13,14 <b>redress</b> 46:4,6,7,8 85:22 <b>reduced</b> 187:5 <b>refer</b> 10:5 97:9 99:11 123:10 137:23 166:13 <b>reference</b> 28:5 <b>referenced</b> 118:12 <b>referred</b> 103:14 <b>referring</b> 10:3 33:14 98:8 146:20 166:14 <b>reflected</b> 116:5	<b>Refresh</b> 172:11 <b>regard</b> 60:5 104:6 121:4,10 148:18,21 149:5 151:4 172:19,20 <b>regarding</b> 17:15 18:23 19:6 40:20 47:21 59:1 61:20 65:25 66:14 73:13,15,21 124:1,9 151:20 154:18 156:18 168:13 169:3 175:9 <b>regards</b> 161:20 <b>registered</b> 89:23 91:13 92:20,23 93:6,14 95:14,21 96:3,6,11,12,18,21 122:12 128:18 <b>registering</b> 95:15 96:6 <b>registrar</b> 100:15 172:8 <b>registration</b> 121:5,11 131:1 134:2,6 141:15,16,19 145:15 172:5,6 187:19 <b>regular</b> 37:6 51:12 57:11,14 69:15 187:9 <b>regularly</b> 43:7,9,13 44:20 45:1,10,19 49:17 <b>relate</b> 50:11 59:8 166:4 <b>related</b> 62:9 63:12 83:15,20 85:13 108:5 109:15 170:18 181:10,16 <b>relating</b> 37:19 73:19 167:9 170:14 <b>relation</b> 55:13,20 58:8 87:18 180:5 <b>relationship</b> 23:11 <b>release</b> 62:12
--	--	--



<b>releases</b> 62:2 <b>relevant</b> 63:13 70:2,4 91:2 150:10 <b>relied</b> 157:2 <b>relief</b> 7:7 81:17 <b>remaining</b> 17:25 <b>remember</b> 11:17 25:18,19 32:2,25 34:3 37:24 39:17 48:16 55:15,18 58:5,10,13,18 63:14,15 68:8 74:5,8 85:9 93:23 126:16 148:7,8,10 149:2,9 151:11,19 153:23 154:24 155:5,8 158:10 159:12 160:6 168:9 169:7 172:23 176:16 <b>removed</b> 158:20 <b>rent</b> 72:9 104:22 <b>Rep</b> 132:16 <b>repeat</b> 119:23 120:2 129:13 <b>rephrase</b> 12:13 72:20 73:14 88:2 100:23 105:6 112:7 113:13 124:24 181:1,2 <b>report</b> 24:14 50:1,3 <b>reported</b> 4:12 171:7 <b>reporter</b> 5:24 9:12 11:21 12:2 134:21,24 187:2 <b>Reporter's</b> 6:8 <b>reports</b> 118:6 <b>represent</b> 14:13 16:18 52:25 54:1 81:16 96:22 103:22 143:1 147:4 176:12 <b>representative</b> 95:23,25 103:23 132:23 151:15,18,19	<b>Representatives</b> 3:3 151:21 164:2 165:2 <b>represented</b> 13:3 19:13 146:22 <b>representing</b> 8:3 14:16 27:13 57:9 75:11,12,15,20,24 76:3 157:25 175:24 176:23 <b>represents</b> 46:1,14 82:6 143:11 <b>reproduced</b> 97:12 <b>Reps</b> 153:20 166:2 <b>requested</b> 184:10 <b>require</b> 64:11 <b>required</b> 30:22 33:24 34:4,8 64:16 65:8 89:25 90:13,14 93:24 95:17 97:6 100:15 105:1 107:1 111:19,21 112:2,11 113:3 114:3 116:8 118:18 119:14 135:23 139:21 175:15 <b>requirement</b> 58:22 59:2 73:14 100:21 139:16,17 <b>requirements</b> 58:8 59:8,14 64:7 65:25 66:14 73:16,21 74:3 82:14 104:6 123:3,5 125:4,8 127:20,25 135:10,25 138:8 147:16,24 148:4 170:23 180:15,20 <b>requires</b> 64:12 <b>requisite</b> 135:23 <b>re-read</b> 119:25 <b>research</b> 49:8 90:9 <b>reside</b> 9:15 103:6 <b>residence</b> 104:6 105:8,12,23 106:2,6,24 107:7,23	108:18 <b>resident</b> 30:13 <b>resource</b> 60:13 <b>resources</b> 60:19 61:8 79:19 82:13 83:4,5,14,16,18 84:1,18 85:4 86:2,8,14,21 87:3,6,17 88:6 139:10 140:25 141:4,14 144:10,14 145:1,11 177:9,25 179:11,12,16,18 180:1,5,6,21 181:9,16 183:23 <b>respect</b> 163:5 <b>respectfully</b> 144:6 <b>response</b> 7:10 142:19 143:1 <b>responsibilities</b> 52:21 <b>restate</b> 136:23 140:16 <b>restrictive</b> 147:16 148:4 <b>result</b> 116:4 128:25 146:18 170:1 180:21 181:8 183:24 184:2 <b>results</b> 124:2 138:17,23 <b>retract</b> 112:22 <b>retread</b> 91:10 <b>retrieve</b> 98:6 <b>retrieving</b> 98:9 <b>re-tweet</b> 62:16 <b>reveal</b> 39:24 41:24 76:22 77:1 174:4,11 <b>review</b> 17:7,13 <b>reviewed</b> 15:3,9 <b>RICK</b> 1:11 5:17 <b>rid</b> 158:19 <b>rights</b> 5:14
--	--	---

75:12,15,16,21,24 <b>Robert</b> 46:22,23 <b>role</b> 47:21 59:19 61:4,6,8 77:19 178:8 <b>roles</b> 27:1 <b>rolled</b> 84:11 <b>room</b> 8:13,15 72:9 172:7 176:6 <b>rooms</b> 72:10 <b>Rosenberg</b> 28:6 <b>rough</b> 25:4,7 <b>roughly</b> 25:10 <b>round</b> 176:19 <b>route</b> 97:24 <b>Rudd</b> 5:3 6:7 8:21 17:17,23 18:10,14,18 20:17 28:8 39:23 41:19,21 44:15 47:9,12 52:2,5,8 71:12,25 74:17,20 75:13,22 76:4,21 78:5,10 79:21 86:15 87:20,25 88:24 89:10 90:4,24 95:22 96:22 99:13 103:3 106:15 107:3,8,12 108:7,14 109:13 111:5,9 112:6,14,19 116:15 118:20 120:7,25 121:12 122:15,23 123:11 124:22 125:13 127:9 132:11,24 133:8 135:6 136:22 137:12 138:18,25 139:18 140:14 141:5,11 142:11,20 143:13,19 144:20 145:2,6 146:8 147:18 148:6,9 156:8 157:5 165:17 166:9 171:17 174:3 180:10,16,23 183:3,11,21 184:6 <b>rule</b> 153:1 158:7,13,17,20	160:12,17,22,24 161:2,6,15 162:3,8 165:12 <b>rules</b> 4:14 10:22 11:17 152:4,16,21 158:10 162:20 163:7 164:20 166:1 <b>run</b> 28:9 133:10 <b>running</b> 43:17 72:15 101:24 <hr/> S <hr/> <b>safe</b> 163:24 <b>Safety</b> 2:14 3:9,20 <b>San</b> 22:15 <b>save</b> 176:9 <b>saw</b> 17:10 <b>SB</b> 76:12 92:12,21,25 93:4,8,18 100:15 101:2,6 106:3,14 108:5 109:17,22 111:20 113:3 115:9 119:14,21 121:8,21 122:11 123:3 124:2,9 125:4 135:10,25 137:2 138:15,22 139:9 140:23 141:2 144:8,12,19,24 145:10,17 146:7,18 147:2,17 148:5 151:5,7,20 152:8 153:2,14 154:8,13,18 157:4,10,13 158:3 162:16 164:13 165:9,15,22 171:3 172:24 173:3,8,16 174:20 175:9 177:21 179:14,18,20,24 180:2,8,15,20,21 181:6,10,16 183:24 184:2 <b>scares</b> 167:21 <b>scaring</b> 167:25 <b>scattered</b> 24:9	<b>schedule</b> 101:15,19 149:23 <b>scheduled</b> 57:15 <b>schools</b> 29:12,13 <b>screening</b> 36:16 <b>se</b> 138:16 <b>seal</b> 186:18 187:12 <b>searching</b> 111:10 <b>second</b> 19:16 45:8 55:12 128:19 142:18,21 <b>secondary</b> 65:13 <b>seconds</b> 183:6 <b>secretary</b> 1:12 2:12 3:6,18 21:18,21 22:3 50:5 65:20 128:7 178:10 <b>Section</b> 5:14 <b>Security</b> 34:4 <b>seem</b> 90:16 <b>seemed</b> 46:17 156:1 <b>seems</b> 46:25 96:15,16 153:5 172:8 <b>seen</b> 16:22 33:4,5,7 72:16 103:16,18,20 136:14 142:24 143:4,15,17 150:11 <b>sees</b> 69:23 <b>segue</b> 18:2 <b>select</b> 153:8 159:19 163:25 <b>self</b> 144:6 <b>self-employed</b> 9:21 <b>seminar</b> 36:12 <b>Senate</b> 7:9 55:20 58:12,15 63:25 64:4,8,10,16 65:23 66:14 74:3 76:9 82:11,15,16 83:13,15,16,20 84:19
---	--	--

85:5,13 87:5 88:12,22 89:6,14,25 91:14,17,24 92:3,7,17 114:3 127:7 136:13,25 137:7,8 139:1 141:22 152:1,5,14,18,22 154:21 158:12,13,16,17,23 161:22 162:5,24 163:15 164:4,8,9,21 177:2 <b>Senator</b> 151:12 <b>Senators</b> 151:17,21 153:20 163:1,13 164:21,25 166:2 <b>send</b> 29:1,2 44:24 49:10 59:20,25 62:16 <b>sense</b> 24:5 <b>sent</b> 66:9 110:20 150:12 159:24 <b>sentence</b> 18:5 116:3,11,14,18 117:4 118:15 144:5 156:16,24 <b>separate</b> 105:17 152:17 179:2 <b>SERGIO</b> 1:3 <b>series</b> 17:6 <b>serious</b> 164:5 <b>serve</b> 26:24 34:12,13,24 46:1 56:7,15 128:12 <b>serves</b> 46:14 <b>service</b> 31:22 32:7,9 36:1 <b>services</b> 31:25 34:15,25 35:16 <b>session</b> 31:16 35:21 39:16 45:12 48:2 50:23 55:7,11 56:9 57:1,11,20,25 58:1 67:11	148:14,17,19,21 149:6,8,21,22,23,25 151:2,4,5 160:3 <b>sessions</b> 54:2 <b>sets</b> 69:21 <b>setting</b> 138:13 139:2 <b>severe</b> 146:17 <b>shake</b> 11:22 <b>share</b> 57:12 120:23 <b>shared</b> 20:12 44:10 <b>sharing</b> 78:21 <b>she's</b> 178:12 <b>shift</b> 83:7 <b>shipped</b> 178:9 <b>shoot</b> 49:14 62:14 <b>shootings</b> 36:5 <b>short</b> 38:16 52:4 152:1,14 155:13 <b>shorthand</b> 4:12 187:2 <b>showed</b> 90:11 <b>showing</b> 104:23 107:22 135:21 169:13 <b>shown</b> 90:9 113:7 138:2 <b>shows</b> 104:17 137:16 138:2 <b>shut</b> 32:6 <b>sides</b> 43:17,18 <b>signature</b> 184:10 185:1 186:2 <b>significance</b> 104:4,14 108:10,13 <b>significant</b> 87:17 117:16 <b>significantly</b> 111:22 <b>similar</b> 65:6 70:13 119:22 120:6 129:20 130:25 133:16,20 134:10,19 146:25	161:14 <b>similarly</b> 120:22 <b>simple</b> 63:8 152:24 <b>single</b> 17:8 <b>sir</b> 8:9 89:18 166:18 <b>sit</b> 71:15 161:14 178:24 <b>sites</b> 167:25 <b>sitting</b> 13:5 53:14 176:3 <b>situation</b> 142:5 <b>situations</b> 67:15 <b>six</b> 56:25 64:12,13,15 100:14,16 101:11,23 102:8 138:8,10 <b>six-day</b> 100:21 130:4 <b>size</b> 21:19 <b>skim</b> 166:22 <b>skip</b> 102:21 <b>Slaughter</b> 187:19 <b>sleep</b> 163:14 <b>slightly</b> 149:22 <b>slot</b> 85:14 <b>slow</b> 12:11 134:22 <b>slowly</b> 12:9 <b>small</b> 18:12 23:9 51:4 151:23 176:9 <b>smartphones</b> 128:9 <b>smell</b> 155:8 <b>social</b> 34:4 36:21,24 37:4 62:3,23 63:2 <b>socioeconomic</b> 105:9,13,16,19,21 106:7 108:1 115:14 119:10,13,20,22 120:4,6,22 138:4 <b>solid</b> 114:15,17 <b>Solutions</b> 187:18
--	---	---

<p><b>somebody</b> 28:19 49:14 51:5 53:17 62:16 98:1 101:9 117:14 130:15 131:14,16,19,22 132:5,14,21 133:12,15,18 145:23 150:17 170:6,8,9 173:21 182:9</p> <p><b>someone</b> 29:15 46:11 51:21 96:10,18 98:5 108:17,19</p> <p><b>somewhat</b> 79:1 147:8,12,13 166:25</p> <p><b>somewhere</b> 12:21 21:4 68:3,5,6 83:23 99:1 126:5 150:14 172:7</p> <p><b>sonogram</b> 161:24,25</p> <p><b>sorry</b> 13:23 14:21 22:12,22 23:5 33:13 34:1 41:20 46:3 55:9 58:3 59:24 61:13 64:23 71:14 73:12 80:5,6 82:19 93:9,16 94:8 105:18 106:4 107:10 108:21,24 110:12,13 111:6 134:21,23,25 142:12 149:4 150:24 169:2 171:25 174:1 176:8,17</p> <p><b>sought</b> 65:24</p> <p><b>sources</b> 102:19 111:1,7 123:21</p> <p><b>Southern</b> 1:1 8:5</p> <p><b>speak</b> 12:7</p> <p><b>speaker</b> 5:13 16:5</p> <p><b>speakers</b> 38:7</p> <p><b>speaking</b> 68:17 130:10 171:10</p> <p><b>special</b> 55:7,11 159:19</p> <p><b>specific</b> 35:15 37:13 43:22 47:21 53:1</p>	<p>57:8 58:10 73:24 79:9 126:24 136:19 151:6,7,8,20 161:1</p> <p><b>specifically</b> 12:17 19:5 55:14 60:5 66:13 73:19,20 74:1 91:1 110:17 137:14,18 152:21 158:10,18,20</p> <p><b>speculation</b> 44:16 72:1 74:20 75:23 76:5 78:6 86:16 87:25 88:25 106:16 116:16 120:8 121:1,13 123:12 124:23 140:15 141:6,12 157:6</p> <p><b>spell</b> 9:10</p> <p><b>spelled</b> 46:24</p> <p><b>spellings</b> 132:13</p> <p><b>spend</b> 84:16 98:21 141:15 142:1</p> <p><b>spending</b> 38:17 124:8</p> <p><b>spent</b> 61:9 99:25 145:19 181:11</p> <p><b>spiel</b> 10:19</p> <p><b>spoke</b> 14:25</p> <p><b>sports</b> 127:1,2</p> <p><b>spread</b> 125:22</p> <p><b>staff</b> 47:25 151:9</p> <p><b>stance</b> 122:18 145:7</p> <p><b>standards</b> 129:1</p> <p><b>standing</b> 21:22 44:18 84:8 158:14</p> <p><b>start</b> 12:10 116:20 128:20 154:24 180:22</p> <p><b>started</b> 33:6 56:20,24 100:19</p> <p><b>starting</b> 8:16</p> <p><b>starts</b> 116:3 149:21,22</p>	<p><b>state</b> 1:12 2:11,12 3:1,7,17,18 4:12 5:2,17 7:7,10 8:3 9:7 14:8,9 15:10 17:18 20:22 21:5 23:17,20,23 24:9,16,17,19,21,23, 25 25:3,17,22,24 26:5,14,24 27:4,9,13,20,21 32:3 37:12,19 39:18 43:6,25 44:13 50:5 64:2 65:2,6 67:2,6,8,9,21 68:12,15,21 69:16 71:1,19 72:17,20 74:9 77:4 81:18 84:20,24 90:10 91:1 105:10 106:22 107:1 132:16 134:3 147:10 153:11 173:7 177:24 178:7,10 186:7,22 187:1,3</p> <p><b>state-based</b> 18:7</p> <p><b>stated</b> 4:15 41:11 44:7 76:15 78:12 90:22 118:5 137:2 144:11 153:19 158:4 174:22 181:8 187:3</p> <p><b>state-issued</b> 94:3</p> <p><b>statement</b> 7:5 20:5,7 81:19 129:5 132:23</p> <p><b>statements</b> 20:11,12</p> <p><b>states</b> 18:6 123:1 128:16 147:7 183:19</p> <p><b>State's</b> 65:20 128:7</p> <p><b>STATES</b> 1:1 2:1 5:11</p> <p><b>stating</b> 164:2</p> <p><b>station</b> 126:18</p> <p><b>status</b> 105:9,13,16,19,21 106:7 108:1 119:10,13,20,22 120:4,6,21,22</p>
--	---	---

<p><b>stay</b> 163:19</p> <p><b>stays</b> 70:13</p> <p><b>STEEN</b> 1:12 2:11 3:6,17 5:18</p> <p><b>step</b> 19:16</p> <p><b>Stephen</b> 5:19 8:2</p> <p><b>stephen.tatum@texasattorneygeneral.gov</b> 5:22</p> <p><b>STEVE</b> 2:12 3:7,19</p> <p><b>Steven</b> 4:11 5:18,24 187:2,17</p> <p><b>stick</b> 125:16</p> <p><b>Stogel</b> 4:11 5:24 187:2,17</p> <p><b>stop</b> 12:7 51:25 150:6</p> <p><b>stopped</b> 149:18,19 178:12</p> <p><b>stored</b> 150:13</p> <p><b>straight</b> 159:20</p> <p><b>strain</b> 155:5</p> <p><b>Street</b> 4:14 5:5,8</p> <p><b>strive</b> 89:14</p> <p><b>structural</b> 102:14</p> <p><b>structure</b> 21:14</p> <p><b>struggles</b> 138:4</p> <p><b>struggling</b> 114:8 163:19</p> <p><b>students</b> 109:2</p> <p><b>studied</b> 103:19 166:10</p> <p><b>studies</b> 90:23 91:1 102:18 111:1,6 150:9 157:1,15 158:1,6 170:17</p> <p><b>stuff</b> 37:2 62:25 83:5 149:24 150:11</p> <p><b>styled</b> 8:4</p> <p><b>subject</b> 128:24 134:20 147:10,25</p>	<p><b>submit</b> 55:1</p> <p><b>submitted</b> 13:13 15:4 17:18</p> <p><b>subscribed</b> 186:14</p> <p><b>Subsection</b> 109:16</p> <p><b>subsequently</b> 100:14</p> <p><b>subset</b> 112:3,12</p> <p><b>substance</b> 41:24</p> <p><b>substantial</b> 111:21</p> <p><b>substantially</b> 119:12 129:20 130:25 133:15,20 134:10,19</p> <p><b>suffer</b> 71:7 87:4</p> <p><b>suffered</b> 184:2</p> <p><b>suffering</b> 11:4</p> <p><b>sufficient</b> 102:2</p> <p><b>suggest</b> 96:16</p> <p><b>suit</b> 78:25 79:2</p> <p><b>Suite</b> 5:8 187:19</p> <p><b>sum</b> 26:11</p> <p><b>summaries</b> 54:16</p> <p><b>summarization</b> 124:9</p> <p><b>summarize</b> 48:6 68:18 160:15</p> <p><b>summarizing</b> 41:3 68:19 80:16</p> <p><b>summary</b> 112:9,15 177:13</p> <p><b>summer</b> 48:22</p> <p><b>supplement</b> 182:24</p> <p><b>supplies</b> 50:21</p> <p><b>support</b> 43:14 44:14 50:24 53:4 100:4 170:22 171:3 187:18</p> <p><b>supports</b> 165:15</p> <p><b>supposed</b> 98:1</p> <p><b>sure</b> 8:19 9:9 12:8 17:9 18:2,12 19:18</p>	<p>21:10,12 22:22,23 24:1,8 26:13,21 27:6,10 30:1 31:18 35:20 36:22 40:3,5,6,24 42:9 47:14 49:2 50:20 52:2,19,24 54:21 57:19 59:4 61:14 62:10 63:3,17 64:17 65:6 69:9 70:20 71:4,6,18 73:25 75:2,18 77:3,5,19 84:13 85:1,13,21 87:23 97:1,3,14 100:23,25 104:9,17 105:7 106:20,22,23 107:20 109:18 110:18 112:8,18,25 113:14 115:20 116:24 117:5 120:3 122:16,17 124:25 125:12,19,21 128:21 135:6 136:24 137:6 138:1,21 140:17 143:18 145:5 147:23 149:5 151:10 153:11,13 166:12,13 168:7 171:8,12,14 174:25 177:20 178:3 181:4,14,19,20,22,25 182:4,12,15</p> <p><b>survey</b> 103:3,13,16,17,20,21 109:4 110:22</p> <p><b>surveying</b> 114:22</p> <p><b>surveys</b> 113:16 150:20 170:17</p> <p><b>sworn</b> 4:9 9:4 187:5</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p><b>tab</b> 57:21,23 166:21</p> <p><b>tactical</b> 162:3,11,15,18</p> <p><b>tailored</b> 45:21 66:13</p> <p><b>taking</b> 11:8 187:7</p> <p><b>talk</b> 12:1,6,9 19:16 28:1 33:2 36:14</p>
--	---	---

<p>39:10,15 51:21,23 60:8 64:3 114:24 121:7 126:22 179:3</p> <p><b>talked</b> 39:10 41:7 84:24 97:2 107:10 110:23 121:4 148:12 149:25 179:13 183:22</p> <p><b>talking</b> 12:10 17:19 33:13 43:1 60:7 64:4,19 79:8 84:23 90:19 111:5,6,8,11 117:22 119:5 130:18 142:8 167:14,21 171:11,12 178:10</p> <p><b>talks</b> 28:15 130:23</p> <p><b>targeted</b> 161:1</p> <p><b>Tatum</b> 5:19 8:1,2,10,24 9:2,6,14 15:20,23 16:4,8,11 17:22 18:1,11,16,19,20 19:20,23 20:18,19 28:4,9,11 40:6 42:5 44:17 47:5,11,14,17,19,20 51:25 52:3,6,9,12 71:18 72:6 74:19 75:7,20 76:1,8 77:5 78:8,12 79:24 81:6 86:18 87:23 88:2 89:5,16 90:16,21 91:4,6 95:25 96:4 97:1,5 99:20 103:4,5 106:20 107:4,9,10,15 108:9,17 109:12,14 111:8,10 112:8,15,21 116:17 118:23 120:17 121:3,20 122:17,21,24 124:1,25 126:10 127:13 132:22 133:3,17 135:1,4,8,9 136:8,24 137:23 138:21 139:8,20 140:17 141:8 142:8,14,25 143:17,21,22</p>	<p>144:22,23 145:3,9 146:10 147:23 148:8,12 156:9 157:9 165:20 166:12,15 171:19 174:14 175:20 180:13,18,25 183:7,9,12,15 184:7</p> <p><b>tax</b> 121:21 122:9,11,12</p> <p><b>TAYLOR</b> 3:11</p> <p><b>Technically</b> 9:21</p> <p><b>ten</b> 52:7</p> <p><b>tend</b> 104:19,21,22 110:4 113:7 118:6 120:12,15 125:15 132:9 138:3 159:1</p> <p><b>term</b> 81:14,15</p> <p><b>terms</b> 41:25 120:11 171:13</p> <p><b>test</b> 113:24 175:9,11</p> <p><b>testified</b> 9:4 55:6,16 56:2 58:8,11,15 84:21 99:22 106:5 108:3 124:7 146:13 151:2 153:18,24 154:4 163:10,13</p> <p><b>testify</b> 17:14,21,24 18:8,22 19:1,12 53:21 55:4,10,20,25 56:7 76:25 155:3,10 187:5</p> <p><b>testifying</b> 54:25 132:17</p> <p><b>testimony</b> 19:6 41:3 55:1,13 68:18,19 71:13 88:25 89:8,11 99:14 124:10 132:11,25 133:9 138:19 157:24 165:5 177:14 181:11</p> <p><b>testing</b> 84:11</p> <p><b>tests</b> 175:13</p> <p><b>Texas</b> 1:1,8,11,12</p>	<p>2:3,6,11,12,13 3:1,2,7,8,17,18,20 4:3,12,13,14 5:2,9,17,21 7:7,10 8:3,6,12,19,21,22 9:16,22,23 10:3,5 14:10,13,16 17:14 18:6,22 19:9,12,16 20:13,15,16,20,22 21:5 22:14,24,25 23:3,8,13,15 24:6 27:25 28:2,12 29:16 30:11,13,14,19 31:12,21 32:10 33:11,12,15,18 34:12,15,16 35:17 37:6,23 38:18,24 39:22,25 40:7 43:2,5,22 44:7,20 45:10,11,19,24 46:1,2,12,13,14 47:22 48:4,15,19,25 50:14 52:14,23 53:1,8,12 54:1 56:4,8,13 57:4,10,13,23 59:1,12,13 60:4,12,15 61:16,19 62:1,4 64:2,17 65:24 66:2 68:16,22,24 70:2,9,25 74:15 75:10,17 76:2,8,13,17 77:6 78:3,22 80:13 81:18,25 82:7,10,12,14,20 84:25 86:4,13,20 87:6,17 88:3,6,13,15,21 89:7,12,22 90:22 91:1,12,15,23 92:1,20,24 93:2,6,12,14,20,25 94:2,9,12,15,21 95:3,23 96:1,9,11,16,19 97:19,21 98:5 100:20 101:1,5 102:1,4,7,17 103:23 104:10 107:2</p>
--	---	---



<p>108:5 109:17,20  110:3 111:18 112:10  113:1,7,11,24 114:1  115:4 116:8 117:23  119:18 120:20 121:20  122:10,13 123:1,9  124:1,3,4,19  125:1,6,9,11  127:18,24 128:18  129:7,14 131:4  133:23 134:12,14  135:9,24 137:1,2  138:15,21 139:8  140:23 143:1,7,12,22  144:8,11,18,23  146:5,16 147:15,23  148:3,11,13,20 149:7  150:24 152:7 153:13  154:2,6,11,16 155:23  156:17 157:11 158:1  160:16,20 161:10  162:2,4,7,16  164:7,13  165:8,14,20,21  167:4,7,8  168:11,12,18 169:21  170:12,14,16,22  171:2 172:19  173:7,15  174:6,15,21,24  175:8,12 177:19  179:23 180:6,13,18  181:9,15 183:24  184:1 187:1,3,20</p> <p><b>text</b> 136:25 182:1</p> <p><b>Thank</b> 9:2,14 16:9  18:1 47:19 90:2  103:4 115:23</p> <p><b>Thanks</b> 16:7 52:10</p> <p><b>that's</b> 10:25 12:15  20:17 25:19 27:25  28:5 29:21 30:23  32:7,14,15 34:3,7  35:25 40:17 49:6  51:10 52:7 56:25  60:23,24 63:12 73:7  74:10 80:17 84:11  85:8 86:5,10 89:21</p>	<p>90:9 97:2 99:16  100:25 104:9 105:1  108:25 109:13 111:11  115:10 117:9 120:9  122:22,23 124:7  126:5 127:23 128:7  130:25 133:2  134:1,2,6 143:16,19  145:9,13 146:20  148:25 149:25  152:2,6 153:22  156:7,22 157:9,21  160:6,7 164:11  166:13 168:10 172:22  174:8,11 181:11  182:19 183:1 184:7</p> <p><b>themselves</b> 32:9  162:24</p> <p><b>therein</b> 186:16</p> <p><b>thereof</b> 157:16</p> <p><b>there's</b> 12:11 24:12  26:2 27:11,15 30:7  32:3 36:9 44:23  46:17 50:23 51:1  54:24 71:7 90:8  97:10,25 99:17  101:16 104:23  108:20,22 114:18  115:19 133:19 138:9  140:3,6,11 144:5  150:18 157:18,21  159:6 171:23 172:3  181:24 182:18 183:1</p> <p><b>they'll</b> 28:17 38:14  69:2</p> <p><b>they're</b> 26:25 27:3,4  34:24 35:13 70:16  101:23 102:16 114:19  115:7 124:8 159:14  163:6 167:22  179:2,24 182:12</p> <p><b>they've</b> 130:7 167:17  172:4</p> <p><b>thoughts</b> 53:1,19  149:12</p>	<p><b>thousands</b> 128:18</p> <p><b>Thursday</b> 154:25</p> <p><b>ticket</b> 145:24</p> <p><b>title</b> 17:5 47:22,24</p> <p><b>titled</b> 8:5 17:1  109:16</p> <p><b>today</b> 8:11 11:2  13:3,11 15:13 16:21  63:16 181:11  182:20,23 183:22  184:4</p> <p><b>toll</b> 155:10</p> <p><b>top</b> 25:9 39:17 58:5  65:15 81:20 89:21  92:22 111:13 126:16  168:9</p> <p><b>topic</b> 18:3,8,9 40:7  126:25</p> <p><b>topics</b> 17:15,20,23,25  18:16,21 39:7,8  40:20 57:16 69:10  79:5,7,10 127:11  147:20</p> <p><b>total</b> 72:3</p> <p><b>totality</b> 137:19,24  138:22</p> <p><b>touched</b> 42:25 52:20  75:7</p> <p><b>toward</b> 67:4 132:8</p> <p><b>towards</b> 73:20  83:1,2,19 84:18  99:24</p> <p><b>Tower</b> 5:4</p> <p><b>town</b> 98:20</p> <p><b>towns</b> 22:7</p> <p><b>track</b> 45:14 58:20,21</p> <p><b>tracked</b> 58:7</p> <p><b>tracking</b> 58:25</p> <p><b>tradition</b> 158:13</p> <p><b>traditional</b> 132:6</p>
---	---	---

<p>160:22</p> <p><b>traditionally</b> 162:21</p> <p><b>trained</b> 85:22</p> <p><b>training</b> 67:11 177:25 178:5</p> <p><b>transcript</b> 175:25 187:7</p> <p><b>transparency</b> 159:2</p> <p><b>transportation</b> 138:12</p> <p><b>travel</b> 98:17 101:13 115:24 117:10,11 122:2 130:1 138:5 159:15</p> <p><b>traveling</b> 101:10 145:23</p> <p><b>Travis</b> 169:10 170:4 187:1</p> <p><b>treasurer</b> 21:18,20</p> <p><b>treat</b> 133:24 134:14</p> <p><b>Trial</b> 5:13</p> <p><b>trouble</b> 113:8 135:22 138:14</p> <p><b>true</b> 114:20 186:2 187:3,7</p> <p><b>truth</b> 187:5</p> <p><b>truthful</b> 11:6,9</p> <p><b>truthfully</b> 11:13 72:14</p> <p><b>try</b> 12:4,7,9 54:23 69:13 71:4 86:3 92:17 98:21 101:14,18,19 102:15 107:18 117:13,14,19 138:10 153:21 156:11 159:25</p> <p><b>trying</b> 24:5,11 68:17 74:4 85:13 99:18 107:5 108:9 121:15 131:22 133:11 143:18 144:14,18 168:6</p> <p><b>Tuesday</b> 154:25</p>	<p><b>turn</b> 16:24 58:25 89:17 95:11 132:21 143:25 176:7</p> <p><b>turned</b> 13:15 90:10 110:1</p> <p><b>turning</b> 91:11</p> <p><b>TV</b> 42:11</p> <p><b>tweak</b> 62:13</p> <p><b>tweets</b> 62:16</p> <p><b>twice</b> 45:4</p> <p><b>Twitter</b> 36:24,25 62:15</p> <p><b>two-day</b> 155:13</p> <p><b>two-third</b> 158:12</p> <p><b>two-thirds</b> 152:23 158:15,17</p> <p><b>type</b> 29:19 35:15 120:15</p> <p><b>typewriting</b> 187:6</p> <p><b>typical</b> 48:24 49:1,6</p> <p><b>typically</b> 72:8 74:12 90:9 117:11</p> <p><b>typing</b> 92:17</p> <p><b>typo</b> 18:12</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p><b>U.S</b> 5:15 9:1 30:10,18</p> <p><b>Uh-huh</b> 17:2 20:21 24:10 26:16 41:2 46:8 47:2 56:5 60:21 61:17 83:21 85:20 96:8 103:10 104:12 107:24 121:9 125:5 130:20 131:2 134:7,11 146:12 148:2,15 156:21 158:9 160:14 162:10 167:5 179:25 181:7</p> <p><b>ultimate</b> 80:3,15,18</p> <p><b>unable</b> 89:7 174:16,20</p> <p><b>underlying</b> 95:18 97:6</p>	<p><b>understand</b></p> <p>12:12,18,25 27:15 83:11 84:13 91:9 104:9 116:18 117:5 119:6 132:19 144:18 178:18</p> <p><b>understanding</b> 120:9 145:8 167:1 181:25 182:1,5,7</p> <p><b>understands</b> 143:18</p> <p><b>understood</b> 22:5</p> <p><b>UNION</b> 3:14</p> <p><b>unit</b> 103:6 104:8,16</p> <p><b>United</b> 1:1,7 2:1 5:11 183:18</p> <p><b>universe</b> 113:18</p> <p><b>unless</b> 12:16 31:1</p> <p><b>unusual</b> 133:6</p> <p><b>upcoming</b> 39:16 148:19 149:6</p> <p><b>update</b> 60:3</p> <p><b>upon</b> 85:7,8 89:22 111:3 113:5,15 128:16 134:19 139:13</p> <p><b>upper</b> 104:20</p> <p><b>urban</b> 98:19</p> <p><b>urge</b> 144:6</p> <p><b>usual</b> 161:7</p> <p><b>usually</b> 71:21</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p><b>vague</b> 40:25 139:18 140:15 142:11 146:8 180:16,18</p> <p><b>Valley</b> 115:20</p> <p><b>value</b> 163:3</p> <p><b>Vandewalker</b> 176:14,19,23</p> <p><b>varies</b> 48:3</p> <p><b>various</b> 11:19 23:15</p>
--	--	---

24:2,6,13,14,20,21 25:23 37:4,12,15 43:1 44:13 52:13 54:11 58:22 59:1,5,13 60:6,19 62:3 68:16,20,23 69:1 79:5,7 104:14,15 107:22 151:3 160:12 162:8 <b>vary</b> 69:21 97:20 <b>varying</b> 40:17 <b>Veasey</b> 1:3 8:5 <b>verbal</b> 175:4 <b>verify</b> 25:19 <b>veterans</b> 85:17 <b>vetting</b> 159:1 <b>via</b> 5:13 <b>vice</b> 21:18 <b>victim</b> 129:8,15 131:6 <b>View</b> 172:4,14 <b>views</b> 146:25 147:4 163:8 <b>vision</b> 20:5,7,11 <b>visit</b> 29:7,12 <b>voice</b> 154:7,10,11 <b>voices</b> 75:19 <b>void</b> 163:9 <b>voluntarily</b> 140:1 <b>voluntary</b> 140:10,18,20 144:15 <b>vote</b> 43:20 66:10 74:23 75:1,4,18 80:4,7,9,22,25 81:3 95:15,21 96:3,6,11,12,18,21 99:10 101:11,20 107:1,6 112:10 122:5,6,7 130:14 133:11 135:12,17 136:1,3,20 137:4,9 138:14,16,17,24 139:7,16,20,21	140:4,7 141:20 142:4,9,10 145:14,20,22 146:1,2,6,14,18,24 158:15,17 164:12 167:18,20,23 168:4 169:11 173:15,22 174:16,20 177:12 <b>voted</b> 101:20 152:19 165:2,9 169:12,13 173:11 <b>voter</b> 10:16,17 39:10 58:8,14,22 59:1,8,13 60:5 63:25 64:18 67:19 73:13,21 87:14,19 88:6 92:23 100:11,14 104:6 121:5,11 130:25 134:2,6 135:22 140:9,12 141:14,16,19 145:15 147:7,9,24 148:11,18,21,24 149:5 150:10,22 156:18 157:17 158:18,20,23 159:21,22 161:16,21 166:4,24 167:9 168:2,13,17,22 169:3,7 170:14,18,19,23 171:6,11,13 172:4,5,20 <b>voters</b> 82:15 89:23 90:12 91:13 92:20 93:6,14 95:17 97:6 122:12 128:18 129:2,3 139:9 140:24 141:2 144:12,24 152:10 153:16 <b>voter's</b> 100:13 <b>Voters</b> 2:3 58:2,3 <b>votes</b> 163:22 164:6 <b>voting</b> 5:14 89:25 90:1 100:13 101:18 109:5 127:20 135:11 137:3 139:4,9	140:13,18,24 141:3 142:7 144:9,13,25 164:10 168:7 <hr/> W <hr/> <b>Waco</b> 23:7 <b>wait</b> 11:24 138:25 160:3 <b>walk</b> 168:4 175:4 <b>Waller</b> 171:23,24 172:1,2,3,9,11 <b>wasn't</b> 18:2 41:9 77:14 93:10 145:11 152:17 154:10,15 156:3 161:1 163:15 <b>watch</b> 53:9,12 <b>watching</b> 53:14 <b>ways</b> 35:9 60:6 67:15 123:21,22 124:12 <b>wear</b> 48:4 52:14 63:12 <b>web</b> 128:11 <b>website</b> 20:9 28:15 32:21 36:19,20 62:15,17,19 63:3,4 65:21 74:11 76:15 128:7 <b>websites</b> 62:24 <b>We'd</b> 149:17 <b>Wednesday</b> 8:11 154:25 <b>week</b> 155:1 159:6,8,11,12 <b>weekends</b> 98:24 101:24 <b>welcome</b> 38:5,13,15 <b>we'll</b> 8:17 12:7,21,24 36:14 39:3 47:10 52:6 65:4 71:17 92:17 119:4 122:22 150:7 161:6 177:9 183:12 <b>we're</b> 12:22 16:21 27:8 35:21 45:7 50:15 63:15 64:4
---	--	---

<p>67:14 69:5 75:24 92:15 118:3 120:10 123:24 135:8 139:1 142:8 150:23 155:11,12,14 167:13 171:9,12 176:10 177:17 178:24 181:5 183:15</p> <p><b>west</b> 4:13 5:5,8 22:24,25 23:3,8 114:8 151:12,17</p> <p><b>we've</b> 28:16,22 39:10,12 41:6 57:19 90:6 97:2 107:25 127:4,6 130:19 135:20 137:16 140:17 167:12,24 173:7 177:25 179:1 183:22</p> <p><b>whatever</b> 27:5 35:12 48:13 62:18 70:2,10 129:21 177:11</p> <p><b>whenever</b> 28:21 125:19</p> <p><b>whereas</b> 23:3</p> <p><b>wherever</b> 38:13 98:10</p> <p><b>whether</b> 27:7,8 34:24 40:2 41:22,23 76:24 84:2,9 85:16 105:12,23 106:1,2,5,13,17,18,2 4 107:6 126:3 128:13 130:6,24 134:4,9 138:5 139:4 142:4 145:22 149:2 178:19</p> <p><b>Whichever</b> 70:4</p> <p><b>white</b> 103:6 109:21 111:22 112:4,13 113:3 114:4 119:11,21 120:6,21 129:2 131:7</p> <p><b>Whoa</b> 41:19</p> <p><b>whoever</b> 121:17</p> <p><b>whole</b> 97:24 100:22 103:19 129:10 149:24 152:18,19 158:23</p>	<p><b>whose</b> 186:14 187:9</p> <p><b>wide</b> 44:11</p> <p><b>wishes</b> 150:1</p> <p><b>witness</b> 4:3,8 8:9,19 9:10 17:21 18:8 40:3 41:20 42:2 71:14 77:3 79:23 90:20 91:5 134:23 142:23 183:17 185:2 187:4,5</p> <p><b>witnessed</b> 168:21,24</p> <p><b>Wolf</b> 28:6</p> <p><b>Women</b> 58:2,3</p> <p><b>wondering</b> 23:1 108:4 110:19 116:19 117:6 137:1</p> <p><b>woods</b> 114:25</p> <p><b>work</b> 9:21 28:15,19 29:14 43:16 60:11 62:1,10 98:23 101:13,14,19 117:18 130:2,8 155:18 178:3,11,25</p> <p><b>worked</b> 179:1</p> <p><b>working</b> 84:3 178:21 179:6</p> <p><b>workload</b> 178:14</p> <p><b>works</b> 48:1 63:7 81:23 99:3</p> <p><b>workshop</b> 67:6,18,20 69:5,22 71:1 73:13,19 85:11,22</p> <p><b>workshops</b> 67:3,13 68:16,20 69:1,15,18,25 70:10 73:12,15 74:1 84:20 85:13 86:1 177:23</p> <p><b>worry</b> 36:2 141:21,24 156:4 164:1</p> <p><b>worse</b> 142:6</p> <p><b>write</b> 96:23 116:17 175:6</p> <p><b>written</b> 54:20 55:1</p>	<p>134:17 135:2 143:14 156:2</p> <p><b>wrong</b> 36:8</p> <hr/> <p>Y</p> <hr/> <p><b>y'all</b> 13:15 16:15 38:16 41:4 54:10 81:14 146:25 178:18</p> <p><b>Yannis</b> 4:4,7 6:5 7:13 8:7,19 9:3,9 39:24 41:21 76:22 174:4 185:2 186:1,5,11 187:4</p> <p><b>yea</b> 58:18</p> <p><b>Yep</b> 81:21</p> <p><b>you'll</b> 31:4 51:22</p> <p><b>young</b> 2:3 132:16</p> <p><b>yourself</b> 49:24 103:17 126:13 174:5</p> <p><b>youth</b> 29:14 30:1</p> <p><b>you've</b> 10:19 17:12,13 18:21 33:4 36:5 45:5 108:3 134:22 137:1 139:12 145:14 152:25 160:13 162:8 167:2,15 168:25 169:2 179:12 181:8 182:23,24</p>
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